From: Benevento, Douglas [benevento.douglas@epa.gov]

Sent: 9/8/2019 3:30:03 PM

To: Ex. 6 - Administrator

CC: Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]

Subject: Draft Final Letter to California
Attachments: Draft Final - California Letter.docx

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Administrator,

Attached please find a draft letter to California outlining several environmental issues that have been in the news or that have been brought to our attention through other sources (e.g. questions from Congress). Along with that category of issues we also identified several other issues that have been longstanding and have been addressed by the State some time ago. Please review it at your convenience and let me know if you have any questions. We should discuss who will sign the letter and who it will be sent to.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) We can have it fully prepared to early this week, after we decide who should sign it.

The letter was drafted and reviewed by multiple parties, including OGC, OW, OECA and OAR. Specifically, David Fotouhi, Lee Forsgren, Clint Woods, and Susan Bodine.

I will be in the office tomorrow afternoon and can discuss at your convenience.

Best,

Doug Benevento

From: Benevento, Douglas [benevento.douglas@epa.gov]

Sent: 9/6/2019 2:34:32 AM

To: Ex. 6 - Administrator

CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]

Subject: Background

Attachments: Talking Points - Update on California - September 2019 (002).docx

Administrator, attached is a revised backgrounder that includes estimates of potential sanctions and penalties against California and San Francisco. These are just estimates to provide a sense of scale, of course the normal process of assessing any penalty or sanction would dictate the final number.

Ex. 5 Deliberative Process (DP)

If you have questions please let me know.

Thanks,

Doug

From:	Benevento, Douglas [benevento.douglas@epa.gov]	
Sent:	8/6/2019 8:17:54 PM	
То:	Ex. 6 - Administrator	
CC:	Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [moli	na.michael@epa.gov]
Subject:	Background - Status of California's Implementation of Federal	Programs
Attachments:	Final - Background Paper - California Implementation of Feder	al Programs.docx
environment	r, attached is a background paper addressing the status of al programs. It addresses issues that we have identified re	lated to the Clean Air Act and the Clean Water
Act. I	Ex. 5 Deliberative Process (DP)	The programs did a great job
pulling togeth	ner material that were edited for length and to try and ma	ske the content on point with your request.
	uestions let me know, the program staff that worked on the as well as Matt Leopold. If you have questions you please	
Best,		
Doug		

Background on California Environmental Issues

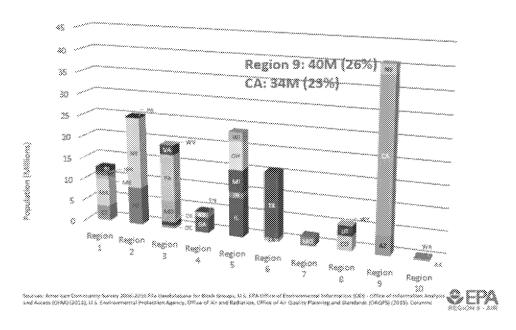
Draft Document Deliberative, Do Not Distribute

Clean Air Act

Background – Air Quality in California (CA)

- CA has 35 local air districts which are responsible for regional air quality planning, monitoring, stationary source and facility permitting, and administering air quality grant programs.
- Via the California Air Resources Board (CARB), EPA gets SIP submittals from most of the air districts, most commonly:
 - prohibitory rule updates (e.g. a district updates a fugitive dust or boiler rule),
 - permit rule updates,
 - RACT SIP submittals,
 - attainment and maintenance plans.
- From the state, EPA also gets submittals for regional haze, transport, infrastructure, mobile sources, and they also have primary responsibility for attainment and maintenance plans in several of the areas.
- California has multiple areas that are nonattainment for several National Ambient Air Quality Standards (NAAQS). Summed across standards, CA has 82 nonattainment areas and 26 maintenance areas in California.
- California has among the worst air quality in the U.S. and has more than twice the population living in areas in nonattainment with the NAAQS than any other state.

Population Living in Nonattainment Areas



ERF v. EPA 20CV06893 ED_003023_00000221-00001

as they have fundamental approvability issues.
Clean Air Act Options
Ex. 5 Deliberative Process (DP)

• SIP Backlog: Region 9 currently has 168 backlogged SIP submittals. Of those, 118 are backlogged SIP submittals from California agencies (70%). This represents roughly one third of EPA's total

Clean Water Act

San Francisco CSO Issues

The City of San Francisco discharges untreated and partially treated sewage into San Francisco Bay at 36 locations. The City also discharges partially treated wastewater into the Pacific Ocean. Although the Clean Water Act requires municipal sewage to be treated to certain levels and to meet water quality standards, the State of California has authorized these discharges in a permit issued under California's authorized state Clean Water Act program.

EPA considers San Francisco to be in violation of the Clean Water Act and is in the process of negotiating a consent decree with the City to put them under an enforceable obligation to meet the requirements of federal law.

San Francisco is one of the few major cities with sewers that combine stormwater and sewage flows that is not under a federal consent decree to meet the requirements of federal law (NYC is another).

The City is in the process of upgrading their sewer system and has outlined a 3-phase program of sewer upgrades. The \$2.9 billion Phase 1 is underway. All three phases will cost an estimated total of \$6.9 billion. EPA provided San Francisco Public Utility Commission a WIFIA loan of \$699M in July 2018 for the Phase 1 projects in July 2018, but much of that funding was for biosolid digestors.

CA is not the only permitting authority; parts of the Bay are marine sanctuaries, so NOAA also has a role.

San Francisco CSO Options:

Ex. 5 Deliberative Process (DP)

Considerations

Talking Points

- For too long, California has stood by and allowed San Francisco to discharge raw or partially treated sewage into San Francisco Bay and the Pacific Ocean, endangering public health.
- This is simply unacceptable.
- Under this Administration, we believe in a level playing field. Just like cities in Illinois, Indiana,
 Ohio and elsewhere, we are stepping in and holding San Francisco accountable for their water pollution. Every city and State must comply with the Clean Water Act.

Additional background information and documentation can be provided upon request.

Violations of Section 402 NPDES permit requirements

We've been unable to identify specific examples of the State of California or any of its municipalities using storm sewers to dispose of waste on the streets or of uncontrolled discharges of waste from homes into jurisdictional waters.

However, there are numerous examples in California of flagrant violations of NPDES permits (see the attached table). Just in this past quarter we have identified 23 instances of discharges into waters of the United States that are significant violations.

For example, the City of Los Angeles exceeded its permit limit for a contaminant which is a probable human carcinogen by 442 percent and the University of Southern California exceeded its permit limit for copper by 420 percent. See highlighted items below Ex. 5 Deliberative Process (DP)

Name	Description of Violation	Highest Exceedance Percentage
The Boeing Company	Tetrachlorodibenzodioxin	2.14 million
City of El Paso de Robles	Total residual Chlorine	2.14 million
City of St. Helena	Biological Oxygen Demand - 5-day, 20 deg C	99999
Ojai Valley Sanitary District	Total recoverable Selenium	11117
Sanitary District No. 5 of Marin County	Total Cyanide	5194
City of Redding	Total residual Chlorine	1900
City of Biggs	Total general Coliform	817
Owens-Brockway Glass Container Inc.	Diethylhexyl phthalate [DEPH]	625
City of Los Angeles	ldeno[1,2,3-cd]pyrene	442
University of Southern California	Total recoverable Copper	420
Royal Catering Company	Total recoverable Copper	371.5
Stallion Springs Community Services District	Unionized Ammonia	344

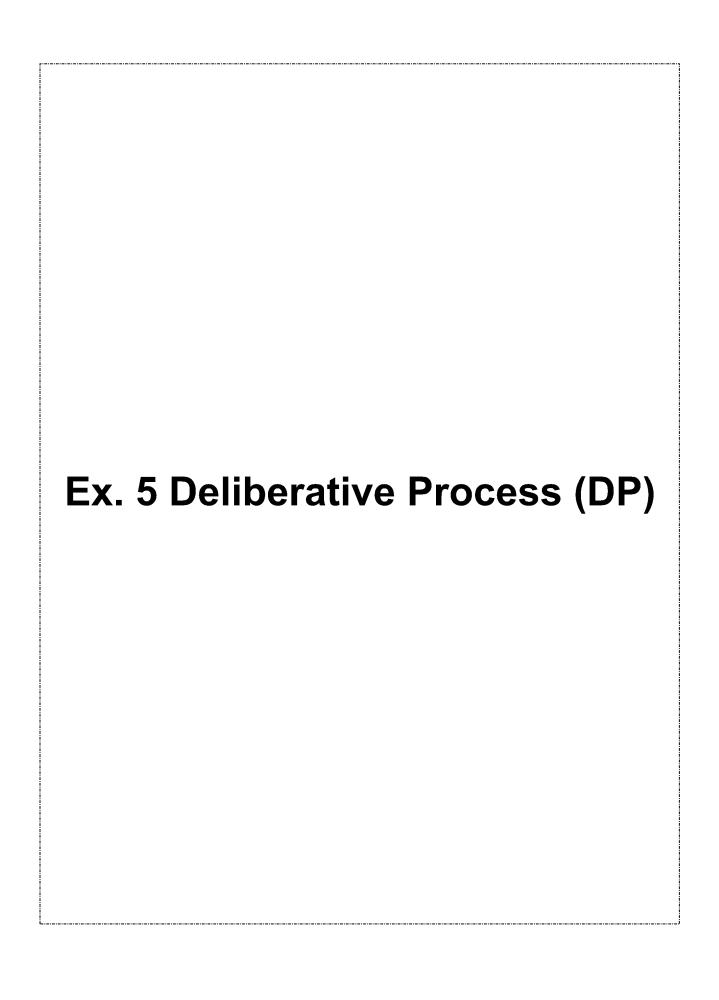
Camarillo Sanitary District	Diethylhexyl phthalate [DEPH]	325
Forestville Water District	Nitrogen as Total nitrate	311
Mountain House Community Services District	Total Nitrogen as ammonia	183
Mt. Shasta	Copper, total recoverable	154.33333
San Juan Bautista	Chloride]	94.333333
West County Agency; West County Wastewater District	Biological Oxygen Demand - 5-day, 20 deg C	67
McKinleyville Community Services District	Dichlorobromomethane	59.5
City of Brawley	Total Recoverable Copper	35
City of Eureka	Nitrogen, & total ammonia	29
Paradise Irrigation District	Aluminum, total recoverable	29
City of Corona	Total Dissolved Solids	4.6666667

Federal Funding

Over the last five years California has received over \$1.16 Billion to implement the CWA including \$253.5 million in FY-18 and \$247 million in FY-19

In addition to the programmatic funding for these programs California has received over \$152 million in categorical grants over this time to improve compliance with CWA.

Clean Water Act Options



From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]

Sent: 9/26/2019 12:54:27 PM

To: Abboud, Michael [abboud.michael@epa.gov]; Ex. 6 - Administrator ; Beach,

Christopher [beach.christopher@epa.gov]

Subject: CA water

CA Water Letter:

• Today, I sent a letter to Governor Newsom outlining California's failure to protect Californians from degraded water.

- The letter outlines deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.
- EPA is aware of numerous recent health-based exceedances under the Safe Drinking Water Act.
- These exceedances call into question the State's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements.
- We are also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment.
- The U.S. EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.
- In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, we are asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]

Sent: 9/26/2019 12:44:19 PM

To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Ex. 6 - Administrator

CC: Jackson, Ryan [jackson.ryan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; McFaul, Jessica

[mcfaul.jessica@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; Scott, Corey [scott.corey@epa.gov];

Molina, Michael [molina.michael@epa.gov]

Subject: RE: Washington Post

She represents Compton, CA near Los Angeles.

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Sent: Thursday, September 26, 2019 8:41 AM

To: Ex. 6 - Administrator Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Scott, Corey <scott.corey@epa.gov>;

Molina, Michael <molina.michael@epa.gov>

Subject: RE: Washington Post

Rep. Nanette Barragan

Joseph A. Brazauskas

Acting Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Ex. 6 - Administrator

Sent: Thursday, September 26, 2019 8:40 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Cc: Jackson, Ryan <<u>jackson.ryan@epa.gov</u>>; Benevento, Douglas <<u>benevento.douglas@epa.gov</u>>; McFaul, Jessica <<u>mcfaul.jessica@epa.gov</u>>; Bodine, Susan <<u>bodine.susan@epa.gov</u>>; Ross, David P <<u>ross.davidp@epa.gov</u>>; Abboud, Michael <<u>abboud.michael@epa.gov</u>>; Block, Molly <<u>block.molly@epa.gov</u>>; Scott, Corey <<u>scott.corey@epa.gov</u>>;

Molina, Michael <molina.michael@epa.gov>; Brazauskas, Joseph
brazauskas.joseph@epa.gov>

Subject: Re: Washington Post

What's the name of the congresswoman from energy and commerce that asked me about water

Sent from my iPhone

On Sep 26, 2019, at 8:34 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Today, I sent a letter to Governor Newsom outlining California's failure to protect Californians from degraded water.

The letter outlines deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, we are asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

Based upon data and reports, we are concerned that California's implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs. The cost of this failure will be paid by those Californians exposed to unhealthy air and degraded water.

EPA is aware of numerous recent health-based exceedances under the Safe Drinking Water Act: in just the most-recent reporting quarter of 2019, California had 202 Community Water Systems with 665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.

These exceedances call into question the State's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements.

We are also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment. Press reports indicate that "piles of human feces" on sidewalks and streets in these cities are becoming all too common. EPA is concerned about the potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters.

California is responsible for implementing appropriate municipal storm water management and waste treatment requirements as part of its assumed federal program, but the state is failing to properly implement these programs. The City of San Francisco's years-long practice—allowed by CalEPA—of routinely discharging over one billion gallons of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean on an annual basis. This has allowed raw sewage to back up into homes and businesses.

The U.S. EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.

It is time for the State to act decisively under its authorities to address the problems identified in the letter. For each of the delegated or assumed programs discussed, EPA Administrator Wheeler is requesting a written response within 30 days outlining in detail how California intends to address the concerns and violations identified.

From: Ex. 6 - Administrator

Sent: Thursday, September 26, 2019 8:28 AM

To: Schiermeyer, Corry < schiermeyer.corry@epa.gov>

Cc: Jackson, Ryan <<u>jackson.ryan@epa.gov</u>>; Benevento, Douglas <<u>benevento.douglas@epa.gov</u>>; McFaul, Jessica <<u>mcfaul.jessica@epa.gov</u>>; Bodine, Susan <<u>bodine.susan@epa.gov</u>>; Ross, David P <<u>ross.davidp@epa.gov</u>>; Abboud, Michael <<u>abboud.michael@epa.gov</u>>; Block, Molly

<<u>block.molly@epa.gov</u>>; Scott, Corey <<u>scott.corey@epa.gov</u>>; Molina, Michael

<molina.michael@epa.gov>

Subject: Re: Washington Post

Can you email me the talking points please. They aren't in my book and I'm talking to the press in 30 minutes.

Sent from my iPhone

On Sep 26, 2019, at 8:10 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Hello Sir,

The Washington Post story on the water letter to CA Governor Newsom is live. Link below:

https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b3ffca1e-dfac-11e9-8dc8-498eabc129a0 story.html

EPA tells California it is 'failing to meet its obligations' to stem water pollution By Juliet Eilperin, Brady Dennis September 26, 2019 at 8:00 a.m. EDT

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]

Sent: 9/16/2019 3:29:05 PM

To: Benevento, Douglas [benevento.douglas@epa.gov]

Subject: Meeting Forward Notification: Discussion: Homeless issue in LA by the PCC

Location: WJCN 3309A

Start: 9/17/2019 1:30:00 PM **End**: 9/17/2019 2:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Benevento, Douglas has forwarded your meeting request to additional recipients.

Meeting

Discussion: Homeless issue in LA by the PCC

Meeting Time

Tuesday, September 17, 2019 9:30 AM-10:00 AM.

Recipients

Jackson, Ryan

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Idsal, Anne Location: WJCN 3309A

Importance: Normal

Subject: Accepted: Updates: Homeless issue in LA (with Anne Idsal)

 Start Time:
 Wed 9/18/2019 4:30:00 PM

 End Time:
 Wed 9/18/2019 4:45:00 PM

Required Attendees: Benevento, Douglas

From: Idsal, Anne Location: WJCN 3309A

Importance: Normal

Subject: Accepted: Updates: Homeless issue in LA (with Anne Idsal)

 Start Time:
 Wed 9/18/2019 4:45:00 PM

 End Time:
 Wed 9/18/2019 5:00:00 PM

Required Attendees: Benevento, Douglas

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Discussion: Homeless issue in LA by the PCC

 Start Time:
 Tue 9/17/2019 1:30:00 PM

 End Time:
 Tue 9/17/2019 2:00:00 PM

Required Attendees: Schiermeyer, Corry; Bodine, Susan; Forsgren, Lee; Fotouhi, David

Optional Attendees: Jackson, Ryan

Sct: Connie Eng, 202 564 3279

Note: ADA Douglas Benevento would like to provide an update on work being done on the homeless issue in LA by the PCC and an update from last week's trip to LA.

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Updates: Homeless issue in LA (with Anne Idsal)

 Start Time:
 Wed 9/18/2019 4:30:00 PM

 End Time:
 Wed 9/18/2019 4:45:00 PM

Required Attendees: Idsal, Anne

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Updates: Homeless issue in LA (with Anne Idsal)

 Start Time:
 Wed 9/18/2019 8:00:00 PM

 End Time:
 Wed 9/18/2019 8:15:00 PM

Required Attendees: Idsal, Anne

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Updates: Homeless issue in LA (with Anne Idsal)

 Start Time:
 Wed 9/18/2019 4:45:00 PM

 End Time:
 Wed 9/18/2019 5:00:00 PM

Required Attendees: Idsal, Anne

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Discussion: Homeless issue in LA by the PCC

 Start Time:
 Tue 9/17/2019 1:30:00 PM

 End Time:
 Tue 9/17/2019 2:00:00 PM

Required Attendees: Schiermeyer, Corry; Bodine, Susan; Forsgren, Lee; Fotouhi, David; Jackson, Ryan

Sct: Connie Eng, 202 564 3279

Note: ADA Douglas Benevento would like to provide an update on work being done on the homeless issue in LA by the PCC and an update from last week's trip to LA.

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Updates: Homeless issue in LA
Start Time: Wed 9/18/2019 4:45:00 PM
End Time: Wed 9/18/2019 5:00:00 PM

Required Attendees: Idsal, Anne

Delivery Report

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]

Sent: 9/16/2019 7:42:01 PM

To: Eng, Connie [Eng.Connie@epa.gov]

Subject: Read: Homeless meeting tomorrow @ 9.30am

Your message

To: Benevento, Douglas

Subject: RE: Homeless meeting tomorrow @ 9.30am

Sent: 9/16/2019 7:39:17 PM

was read on 9/16/2019 7:41:21 PM

Delivery Report

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]

Sent: 9/16/2019 7:21:40 PM

To: Eng, Connie [Eng.Connie@epa.gov]

Subject: Read: Homeless meeting tomorrow @ 9.30am

Your message

To: Benevento, Douglas

Subject: Homeless meeting tomorrow @ 9.30am

Sent: 9/16/2019 6:03:01 PM

was read on 9/16/2019 7:21:28 PM

From: benevento.douglas@epa.gov [benevento.douglas@epa.gov]

Sent: 9/26/2019 5:17:32 PM

To: Jackson, Ryan [jackson.ryan@epa.gov]

Subject: Fwd: Summary of CA questions from media

Fyi. We're working on this now.

Sent from my iPhone

Begin forwarded message:

From: "Dennis, Allison" < Dennis. Allison@epa.gov > Date: September 26, 2019 at 10:03:34 AM PDT

"Forsgren, Lee" < Forsgren, Lee@epa.gov>

Cc: "Ross, David P" < ross.davidp@epa.gov >, "Hull, George" < Hull.George@epa.gov >, "Egan, Patrick"

<egan.patrick@epa.gov>

Subject: Summary of CA questions from media

I understand Doug, Susan and Lee will gather soon. Here is the list of all outstanding media questions to answer.. I look forward to hearing from you all on proposed responses to these questions. -Allison

Law360:

- 1) I was on the call with Susan Bodine this morning, and I'd like to request information about how many of these types of letters have been sent from the EPA (either HQ or regional offices) to states about similar issues. The Washington Post reported one issued by the Obama administration to Wisconsin, but are there others?
- 2) The letter makes reference to EPA's "concern" about the amount of human feces that ends up in the Los Angeles and San Francisco sewer systems. How does the EPA know exactly how much human feces is ending up in "nearby water" and whether that amount poses a health risk?

NYT:

Several people have told me that the exceedances in Louisiana and Texas for lead and arsenic levels are far higher than California. Can you please provide me with numbers for those two states?

E&E:

1) Are there any current NPDES violations by San Francisco? It sounded at one point like Susan was saying that the concern is that the permits are not adequate, rather than there being a violation, but I wanted to confirm that.

Allison's proposed response:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Courthouse News:

1) I was on this phone call this AM – could you clarify this statement? What exactly are the possible consequences of failing to address the issue? As I've got in my notes it includes removing the state's authority to manage their water?

2) Are you all suggesting you'll take away the state's power to manage their water? I just want to clarify.

Gannett:

1) The president last week was quoted in an AP story saying this:
"You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."
Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.

Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985

Office: 202-564-1985
Cell Ex. 6 Personal Privacy (PP)
Dennis. Allison@epa.gov

To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Fotouhi, David

[fotouhi.david@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov];

Woods, Clint [woods.Clint@epa.gov]

Subject: RE: Consolidated version

Attachments: California Letter - Draft Final.docx

From: Forsgren, Lee <Forsgren.Lee@epa.gov> Sent: Friday, September 6, 2019 3:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>;

Woods, Clint <woods.clint@epa.gov> **Subject:** RE: Consolidated version

I agree with Susan.

From: Bodine, Susan < bodine.susan@epa.gov > Sent: Friday, September 6, 2019 5:00 PM

To: Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>>; Benevento, Douglas <<u>benevento.douglas@epa.gov</u>>; Fotouhi, David <<u>Fotouhi.David@epa.gov</u>>; Schwab, Justin <<u>Schwab.Justin@epa.gov</u>>; Leopold, Matt (OGC) <<u>Leopold.Matt@epa.gov</u>>;

Woods, Clint < woods.clint@epa.gov > Subject: RE: Consolidated version

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee < Forsgren. Lee @epa.gov > Sent: Friday, September 6, 2019 4:55 PM

To: Benevento, Douglas < benevento.douglas@epa.gov>; Fotouhi, David < Fotouhi.David@epa.gov>; Schwab, Justin < Schwab.Justin@epa.gov>; Bodine, Susan < bodine.susan@epa.gov>; Leopold, Matt (OGC) < Leopold.Matt@epa.gov>;

Woods, Clint < woods.clint@epa.gov > Subject: RE: Consolidated version

Doug,

Attached are Dave Ross and my comments.

Lee

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Friday, September 6, 2019 4:01 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Schwab, Justin

<SchwabJustin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>;

Woods, Clint < woods.clint@epa.gov>

Subject: Consolidated version

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

All, I have done my best to consolidate the different suggestions to the letter. If you have a recommendation that was no incorporate please don't assume it was rejected, if you feel strongly about it let me know, I may just have missed it. Justin, I apologize I should have emailed this to you as well. Will you please review the CAA section and make certain it is written as it should be and make any other suggestions you might have. If the rest of you would also please look at it again an make any substantive or stylistic changes I would appreciate it. It does need to be accurate.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David, if you would just review one last time to ensure it is in decent shape I would appre

Thanks,

Doug

From: benevento.douglas@epa.gov [benevento.douglas@epa.gov]

Sent: 10/10/2019 3:20:14 PM

To: Abboud, Michael [abboud.michael@epa.gov]

CC: Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Block, Molly

[block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]

Subject: Re: Political abuse allegations

I think this looks good. Thank you

Sent from my iPhone

On Oct 10, 2019, at 9:08 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Doug, we have a general statement we've been using below. Fine with us going forward with it on this?

"Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue. The Trump Administration, unlike the previous administration, will act to protect public health and the environment for all Americans. Additionally, California's inability to comply with the Safe Drinking Water Act has been an ongoing challenge, and the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. EPA expects California leaders to share its concern for the protection of public health." - Michael Abboud, EPA spokesman

From: Lee, Stephen < stephenlee@bloombergenvironment.com >

Sent: Thursday, October 10, 2019 10:03 AM **To:** Abboud, Michael <abbout.michael@epa.gov>

Subject: Political abuse allegations

Hey Michael. Any response to this? On deadline for noon.

Thanks.

Stephen

Almost 600 EPA Veterans Call for Investigation into Trump's Political Abuse of Agency Authority

Prompted by EPA Threats Against CA, Former EPA Officials Sign Letter to U.S. House Oversight and Energy Committees

FOR IMMEDIATE RELEASE: Thursday, October 10, 2019

Media contact: Tom Pelton, Environmental Integrity Project, <u>tpelton@environmentalintegrity.org</u> or (443) 510-2574

Washington, D.C. – Almost 600 former EPA officials sent a letter today to the U.S. House demanding an investigation into President Trump's abuse of EPA authority by threatening California with enforcement actions while ignoring worse violations in other states.

At least six states – Ohio, New York, Iowa, Missouri, Texas and Indiana – have had more major pollution sources in significant noncompliance with environmental laws over the last three years than California. Ohio leads the nation with 42, more than twice the 20 in California, according to EPA records.

"The public depends on EPA to set priorities guided by law and science and make decisions that are objective and nonpartisan," said the letter signed by 593 former EPA officials that was circulated by the Environmental Integrity Project. "While those principles have served the public well under both Republican and Democratic Presidents, they are in serious trouble today."

The letter sent to U.S. House committees on Oversight and Government Reform and Energy and Commerce was in part a response to President Trump's Sept. 19 claim that homeless people are responsible for "tremendous" amounts of ocean pollution in California and EPA's Sept. 26 follow-up letter threatening enforcement action against the state.

"No evidence supports targeting the homeless for Clean Water Act enforcement, given the much greater damage done by the huge volume of waste discharged from industrial plants, factory farms, and sewage treatment plants and many other sources," wrote the former EPA officials, including Dr. Elizabeth "Betsy" Southerland, former Director of Science and Technology at EPA.

"Considering its enthusiasm for de-regulation and reluctance to enforce the laws still on the books, President Trump's threat to wield EPA's authority against the most vulnerable members of our society is shameless and morally repugnant," wrote the EPA veterans.

In a second letter sent to EPA Administrator Wheeler yesterday, the Environmental Integrity Project (EIP) included a list of 429 major polluters nationally that are currently in significant noncompliance with federal environmental laws for discharging illegal amounts of pollutants including lead, arsenic and fecal bacteria.

While 20 of these power plants, factories and other major pollution sources in California, 42 are in Ohio, 37 are in New York, 36 are in Iowa, 33 are in Missouri, 29 are in Texas, and 23 are in Indiana, according to EPA records cited in the EIP letter to Wheeler.

"Your letter cited several facilities in California that recently discharged pollutants far above their permit limits," says the letter to Wheeler from the Environmental Integrity Project. "We agree that either the state or EPA should take appropriate enforcement actions to stop these illegal discharges. But we ask that you apply the same yardstick to other states, where violations of the same magnitude are a frequent occurrence."

EPA enforcement records show 30 facilities across the U.S. that have had at least 100 pollution violations over the last three years, and 10 facilities with more than 200 violations. None of them is located in California. The top 10 are listed in the chart below:

Facilities with 200 Pollution Violations in the Last 3 Years

State

Facility

No. of Pollution Discharge Violations

WV

Martinsburg sewage treatment plant

371

LA

City of Franklin sewage plant

361

LA

City of Oakdale sewage plant

318

LA

City of Springhill sewage plant

297

LA

City of Ponchatoula sewage plant

229

GA

Atlanta sewage plant

217

CO

Fort Morgan Facility

210

OH

Reserve Environmental Services

209

TN

Lafayette sewage plant

205

PA

New Castle sewage plant

200

In the letter sent to the House oversight committee demanding an investigation, the 593 former EPA officials objected to a September 24 letter from Wheeler to California Governor Gavin Newsom that threatened to withhold federal highway funds based on California's failure to meet air quality standards.

That letter was sent shortly after the Trump EPA announced it would undermine California's efforts to reduce air pollution by blocking the state's limits on greenhouse gas emissions from vehicles.

"EPA's political appointees have worked overtime for the past two years to delay or water down standards that limit emissions from power plants, the oil, gas and chemical industries, and other major sources," the former EPA officials wrote. "We hope that your investigation will weigh the effect that all of these federal rollbacks in emission standards will have when evaluating Mr. Wheeler's sudden interest in air quality in the state of California."

Among the 593 EPA veterans signing the letter to the House are former EPA Director of Civil Enforcement Eric Schaeffer, now Executive Director of the Environmental Integrity Project; former EPA Administrator Gina McCarthy; and Cynthia Giles, former EPA Assistant Administrator for Enforcement and Compliance Assurance; among many others.

For a copy of the letter sent to the U.S. House with a list of the co-signers, click here.

For a copy of the letter sent to EPA Administrator Wheeler, click here.

Stephen Lee
Reporter
Bloomberg Environment
Direct 703-341-3698
Mobile Ex. 6

stephenlee@bloombergenvironment.com

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Discussion: Homeless issue in LA by the PCC

 Start Time:
 Tue 9/17/2019 1:30:00 PM

 End Time:
 Tue 9/17/2019 2:00:00 PM

Required Attendees: Schiermeyer, Corry; Bodine, Susan; Forsgren, Lee; Fotouhi, David; Jackson, Ryan

Optional Attendees: McFaul, Jessica

Sct: Connie Eng, 202 564 3279

Note: ADA Douglas Benevento would like to provide an update on work being done on the homeless issue in LA by the PCC and an update from last week's trip to LA.

From: Eng, Connie
Location: WJCN 3309A

Importance: Normal

Subject: Updates: Homeless issue in LA (with Anne Idsal)

 Start Time:
 Tue 9/17/2019 4:15:00 PM

 End Time:
 Tue 9/17/2019 4:30:00 PM

Required Attendees: Idsal, Anne

From: Fotouhi, David [Fotouhi.David@epa.gov]

Sent: 9/6/2019 4:56:47 PM

To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Leopold, Matt (OGC)

[Leopold.Matt@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]

Subject: RE: California Letter

Attachments: California Letter - Revised (003)- dhb.docx

Doug:

I have tracked a few comments and suggestions to some of the new text in the attached version; it also includes a modified version of Clint's CAA paragraph in a comment bubble for your consideration.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee <Forsgren.Lee@epa.gov> Sent: Friday, September 6, 2019 12:37 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC)

<Leopold.Matt@epa.gov>; Woods, Clint < woods.clint@epa.gov>; Bodine, Susan < bodine.susan@epa.gov>

Subject: RE: California Letter

I am fine with the letter as revised.

From: Benevento, Douglas benevento.douglas@epa.gov

Sent: Friday, September 6, 2019 12:18 PM

To: Fotouhi, David < Fotouhi. David@epa.gov>; Leopold, Matt (OGC) < Leopold.Matt@epa.gov>; Woods, Clint < woods.clint@epa.gov>; Forsgren, Lee < Forsgren.Lee@epa.gov>; Bodine, Susan < bodine.susan@epa.gov>

Subject: California Letter

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Attached is the letter with some revisions. I tinkered with the opening paragraph and added a paragraph on the CAA, if what Clint put together is better please use that instead. I also added a sentence about the cost of compliance in the San Francisco section.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

This has to be to the administrator by tomorrow

morning so if you would please look at it and comment today I would appreciate it.

Thanks,

Doug

```
From:
              McFaul, Jessica [mcfaul.jessica@epa.gov]
Sent:
              9/23/2019 3:47:22 PM
              Benevento, Douglas [benevento.douglas@epa.gov]
To:
Subject:
              FW: Next week
Attachments: Qs and As.docx
With Susan for edits
----Original Message----
From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, September 23, 2019 10:42 AM To: McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>
Subject: RE: Next week
Water q/a attached.
Thank you...
----Original Message----
From: Schiermeyer, Corry
Sent: Monday, September 23, 2019 10:16 AM
To: McFaul, Jessica <mcfaul.jessica@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>
Subject: FW: Next week
Talked to Susan...here are some times that could work for Wednesday: 12:20-2:15pmET.
Jess...please reach out to Tal and see what time works best. Let's block 30 minutes, but should only go
about 15-20.
For broader media call on Thursday, we are still looking at times.
Will see what q/a we may have on this. Jess...did Lee send anything?
Attached is the air letter.
Thank you!
----Original Message----
From: Schiermeyer, Corry
Sent: Monday, September 23, 2019 9:22 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RÉ: Next week
Thank you. When you have a sense of your schedule, would you send us some times that might work for a call with the San Francisco Chronicle on the water letter?
Next week we will have you and the Administrator talk to some reporters on the NOV issue once that is
finalized.
Thank you!
----Original Message----
From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, September 20, 2019 4:52 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint
<woods.clint@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Next week
I am at ECOS on Wednesday. But I assume I could do a call from the hotel.
----Original Message----
From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Friday, September 20, 2019 1:47 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; McFaul, Jessica
<mcfaul.jessica@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Next week
For Anne and Clint...are you all available Monday and Tuesday for some possible media calls?
```

Susan...are you available midweek to discuss water issues in CA?

This has to do with the letters to CA on air and water.

Please let Jess and I know and we will work with you all to set up some calls.

Thank you!

Sent from my iPhone

From: Block, Molly [block.molly@epa.gov]

Sent: 10/2/2019 10:11:19 PM

To: Bodine, Susan [bodine.susan@epa.gov]

CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Benevento,

Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee

[Forsgren.Lee@epa.gov]

Subject: Re: San Francisco NPDES NOV Posted

Thanks!

Sent from my iPhone

On Oct 2, 2019, at 6:11 PM, Bodine, Susan < bodine.susan@epa.gov > wrote:

No, these violations are not related to the homelessness problem cited in the letter.

From: Block, Molly < block.molly@epa.gov>
Sent: Wednesday, October 2, 2019 6:10 PM
To: Bodine, Susan < bodine.susan@epa.gov>

Cc: Schiermeyer, Corry < schiermeyer.corry@epa.gov; Abboud, Michael abboud.michael@epa.gov; Benevento, Douglas benevento.douglas@epa.gov; Ross, David P ross.davidp@epa.gov; Forsgren,

Lee <Forsgren.Lee@epa.gov>

Subject: Re: San Francisco NPDES NOV Posted

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Oct 2, 2019, at 6:08 PM, Bodine, Susan < bodine.susan@epa.gov > wrote:

Last week's letter was an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. The NOV issued today was an enforcement letter issued to San Francisco, a regulated entity that has Clean Water Act violations. EPA retains its enforcement authority in authorized states.

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry < schiermeyer.corry@epa.gov>

Sent: Wednesday, October 2, 2019 5:56 PM

To: Bodine, Susan < bodine.susan@epa.gov>; Abboud, Michael

<abboud.michael@epa.gov>

Cc: Block, Molly < block.molly@epa.gov > Subject: RE: San Francisco NPDES NOV Posted

We got asked (and no doubt more people will ask)...about the timing of this as last weeks letter says the State has 30 days to respond to EPA and clearly the NOV went out before that time was up.

I have no doubt there is an explanation, but if someone could pull that together for us, that would be great. Also, how long have we been working on this.

Thank you!

From: Bodine, Susan < bodine.susan@epa.gov > Sent: Wednesday, October 2, 2019 5:28 PM

To: Schiermeyer, Corry < schiermeyer.corry@epa.gov; Abboud, Michael

<abboud.michael@epa.gov>

Subject: FW: San Francisco NPDES NOV Posted

From: Hull, George < Hull.George@epa.gov Sent: Wednesday, October 2, 2019 5:18 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Starfield, Lawrence

<<u>Starfield.Lawrence@epa.gov</u>>

Cc: Egan, Patrick < <u>egan.patrick@epa.gov</u>> **Subject:** San Francisco NPDES NOV Posted

Susan and Larry,

The notice of violation can be found at https://www.epa.gov/ca/city-and-county-san-francisco-npdes-notice-violation-october-2-2019

Sent from my iPhone

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]

Sent: 9/19/2019 10:40:40 AM

To: Bodine, Susan [bodine.susan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]

CC: McFaul, Jessica [mcfaul.jessica@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly

[block.molly@epa.gov]

Subject: FW: Travel Pool Report from AF1

Hello Doug and Susan,

Please see below. The President told the WH traveling press that EPA would be sending San Francisco a notice of violation soon. I'm sure AAW will get asked about this today at the Press Conference and/or the hearing (there are 5 CA members on the committee)...does the following work:

Ex. 5 Deliberative Process (DP)

From: "Shear, Michael" < Michael.Shear@nytimes.com >

Date: September 18, 2019 at 7:28:47 PM PDT

Subject: Travel Pool Report from AF1

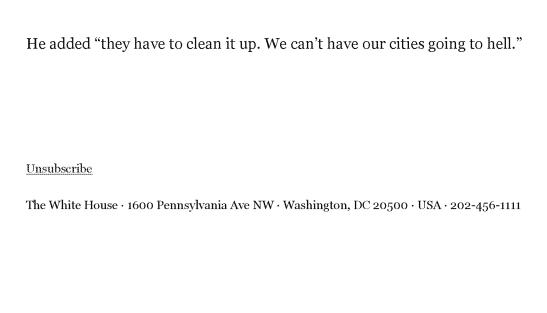
Peter Baker, the print pooler on Air Force One, calls to report the following at 10:27 pm tonight:

President Trump told a pool on Air Force One tonight that his administration will slap the city of San Francisco with a notice of environmental violations within about a week related to its homelessness problem.

He said tremendous pollution was flowing into the ocean because of waste in storm sewers, citing specifically used needles.

"It's a terrible situation — that's in Los Angeles and in San Francisco," he said. "And we're going to be giving San Francisco, they're in total violation, we're going to be giving them a notice very soon."

"EPA is going to be putting out a notice," he said. "They're in serious violation."



From: Forsgren, Lee [Forsgren.Lee@epa.gov]

Sent: 8/21/2019 2:28:13 PM

To: Benevento, Douglas [benevento.douglas@epa.gov]

Subject: concept

Attachments: Outline CA CWA rewrite draft.docx

Per our conversation, a little different concept.

From: Forsgren, Lee [Forsgren.Lee@epa.gov]

Sent: 8/6/2019 2:24:08 PM

To: Benevento, Douglas [benevento.douglas@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Traylor, Patrick

[traylor.patrick@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Ross, David P [ross.davidp@epa.gov];

Idsal, Anne [idsal.anne@epa.gov]

Subject: RE: CA paper

Attachments: Background Paper - Status of California Implementation of Federal Programs - Dave Ross edits.docx

Doug,

Attached are the edits that Dave Ross would like to make to the document for your review.

Regards,

Lee

From: Benevento, Douglas <benevento.douglas@epa.gov>

Sent: Tuesday, August 6, 2019 9:24 AM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal,

Anne <idsal.anne@epa.gov>

Subject: RE: CA paper

Attached is the just about final version of the paper we've been asked to put together. I've done some editing, mainly to make the document more manageable and easier to read, but I also edited some of the content for clarity. If you would review one last time to ensure that it is accurate I would appreciate it, of course any stylistic suggestions are also welcome.

Anne and Matt, when you have your material if you would plug it into this document I would appreciate it.

I do plan on sending this in the next hour and half, I've indicated that we may have to follow up on the air issues later and that is not a problem so long as we can have it today. So if that material is not ready in that time frame, don't worry just get it to me at some point today.

Thanks, I have a flight at 11am MTN so I'll be out of contact for a couple of hours today.

From: Forsgren, Lee < Forsgren, Lee@epa.gov >

Sent: Tuesday, August 6, 2019 6:11 AM

To: Benevento, Douglas < benevento.douglas@epa.gov >

Cc: Ross, David P < ross.davidp@epa.gov>

Subject: RE: CA paper

Doug,

I think this does accurately reflect what we were trying to say.

Lee

From: Benevento, Douglas < benevento.douglas@epa.gov>

Sent: Monday, August 5, 2019 9:39 PM

To: Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>> **Cc:** Ross, David P <<u>ross.davidp@epa.gov</u>>

Subject: RE: CA paper

Thanks. Take a look at this and make sure I captured your work accurately. I like what you did with the chart. I'll call in the morning. Thanks again to both of you.

From: Forsgren, Lee < Forsgren, Lee@epa.gov >

Sent: Monday, August 5, 2019 7:15 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Ross, David P < ross.davidp@epa.gov>

Subject: Re: CA paper

Will do in the morning.

Sent from my iPhone

On Aug 5, 2019, at 8:51 PM, Benevento, Douglas < benevento.douglas@epa.gov> wrote:

Thanks, the options are great. What would be useful is some narrative around table included.

From: Forsgren, Lee < Forsgren.Lee@epa.gov>

Sent: Monday, August 5, 2019 6:17 PM

To: Benevento, Douglas < benevento.douglas@epa.gov >; Ross, David P < ross.davidp@epa.gov >

Subject: CA paper

Doug,

Here is a very rough cut at the California Options paper. Wanted you have something that you could take a look at. Dave and the team will be taking a look at it and we may give you some updates first thing in the morning.

Lee

From: Grantham, Nancy [Grantham.Nancy@epa.gov]

Sent: 10/2/2019 9:00:27 PM

To: Benevento, Douglas [benevento.douglas@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]

Subject: FW: Final desk statement re SF NOV, which has been transmitted

From: Glenn, William <Glenn.William@epa.gov> Sent: Wednesday, October 2, 2019 4:41 PM

To: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Grantham, Nancy

<Grantham.Nancy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>; PerezSullivan,

Margot <PerezSullivan.Margot@epa.gov>

Subject: Final desk statement re SF NOV, which has been transmitted

If asked for additional info, our response is 'We cannot comment beyond the notice of violation, as this is an active enforcement matter.'

Desk Statement

The U.S. Environmental Protection Agency has notified the San Francisco Public Utilities Commission that it has identified violations of the City and County of San Francisco's National Pollutant Discharge Elimination System permits regulating discharges from the city's wastewater treatment plants, 36 combined sewer discharge facilities and its combined sewer system, based on inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data. As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean. EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance.

The notice of violation can be found at https://www.epa.gov/ca/city-and-county-san-francisco-npdes-notice-violation-october-2-2019

Information from EPA's Environmental Compliance History Online

Southeast Plant: https://echo.epa.gov/detailed-facility-report?fid=110043091301 Oceanside Plant: https://echo.epa.gov/detailed-facility-report?fid=110055972023

National Compliance Initiative: Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters https://www.epa.gov/enforcement/national-compliance-initiative-keeping-raw-sewage-and-contaminated-stormwater-out-our

From:

Sent:

Schiermeyer, Corry [schiermeyer.corry@epa.gov]

9/25/2019 8:01:27 PM

```
Jackson, Ryan [jackson.ryan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Benevento, Douglas
To:
            [benevento.douglas@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Abboud, Michael
             [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]
CC:
            Bodine, Susan [bodine.susan@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Mejias, Melissa
             [mejias.melissa@epa.gov]
Subject:
             RE: Cal Letter and Press Release
Great...thank you! Do you all have what you need to transmit to the Governor at 7:30amET tomorrow?
----Original Message----
From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Wednesday, September 25, 2019 3:33 PM
To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <br/>benevento.douglas@epa.gov>; Schiermeyer,
Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Abboud, Michael
<abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Cal Letter and Press Release
Attached is the final, signed letter.
----Original Message----
From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 10:04 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Subject: Re: Cal Letter and Press Release
FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just
reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly.
Thanks all.
Sent from my iPad
> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes
this is the one you should work off of.
> Get it to Beth White who can put it on letterhead and get it turned around by noon.
> Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they
will receive the letter at noon tomorrow and embargo it until Thursday morning.
 ----Original Message----
> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Tuesday, September 24, 2019 10:24 PM
> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias,
Melissa <mejias.melissa@epa.gov>
> Subject: Re: Cal Letter and Press Release
> Could somebody please get me what they think is the final version of the letter first thing in the
morning and I will fix it. Who has the final electronic version?
> Sent from my iPad
>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I
want the information distributed internally to be consistent and accurate.
         Ex. 5 Deliberative Process (DP)
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oed,

Ex. 5 Deliberative Process (DP)

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>> I need a copy of the signed letter before I talk to press.
>> ----Original Message----
>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>> Sent: Tuesday, September 24, 2019 7:24 PM
>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>
>> Subject: Re: Cal Letter and Press Release
>>
>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has.
Dave if you can get it to him before noon that will work.
>> Sent from my iPhone
>>
>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:
>>>
>>> Doug
>>>
>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan.
Melissa has the ability to make those changes but will leave whether we can do it to Dave.
>>> Lee
>>>
>>> Sent from my iPhone
>>>
>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm
in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The
letter is going out very early Thursday morning. Make sure the old copy is destroyed.
>>>> ----Original Message-----
>>>> From: Ross, David P <ross.davidp@epa.gov>
>>>> Sent: Tuesday, September 24, 2019 2:22 PM
>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren,
Lee <Forsgren.Lee@epa.gov>
>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>
>>>> Subject: Cal Letter and Press Release
>>>> Deliberative; Pre-Decisional
>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
```

Ex. 5 Deliberative Process (DP)

```
>>> I'm turning my attention to the TPs now.
>>>
>>> Sent from my iPad
>> <Water TPs spb edits.docx>
> <California Water Letter - Final - September, 2019.docx>
```

ERF v. EPA 20CV06893 ED_003023_00000989-00002

Schiermeyer, Corry [schiermeyer.corry@epa.gov]

[abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]

9/25/2019 7:46:59 PM

From:

Sent:

To:

```
CC:
             Bodine, Susan [bodine.susan@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Mejias, Melissa
             [mejias.melissa@epa.gov]
             RE: Cal Letter and Press Release
Subject:
Thank you!
----Original Message-----
From: Jackson, Ryan < jackson.ryan@epa.gov>
Sent: Wednesday, September 25, 2019 3:33 PM
To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer,
Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Abboud, Michael
<abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Cal Letter and Press Release
Attached is the final, signed letter.
----Original Message----
From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 10:04 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Subject: Re: Cal Letter and Press Release
FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just
reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly.
Thanks all.
Sent from my iPad
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> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes
this is the one you should work off of.
> Get it to Beth White who can put it on letterhead and get it turned around by noon.
> Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they
will receive the letter at noon tomorrow and embargo it until Thursday morning.
 ----Original Message----
> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Tuesday, September 24, 2019 10:24 PM
> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias,
Melissa <mejias.melissa@epa.gov>
> Subject: Re: Cal Letter and Press Release
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.>>
                               Ex. 5 Deliberative Process (DP)
```

Jackson, Ryan [jackson.ryan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Benevento, Douglas

[benevento.douglas@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Abboud, Michael

>>

Ex. 5 Deliberative Process (DP)

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>> I need a copy of the signed letter before I talk to press.
>> ----Original Message----
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>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa
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>> Subject: Re: Cal Letter and Press Release
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Melissa has the ability to make those changes but will leave whether we can do it to Dave.
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ERF v. EPA 20CV06893 ED_003023_00001024-00002



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

September 26, 2019

THE ADMINISTRATOR

The Honorable Gavin C. Newsom 1303 10th Street, Suite 1173 Sacramento, California 95814

Dear Governor Newsom:

The U.S. Environmental Protection Agency and California Environmental Protection Agency are responsible for working together to protect public health and the environment in your state. As a result of the authorization of state laws and the delegation of federal authority, California administers and implements the federal Clean Water Act and Safe Drinking Water Act among other federal programs. 1 Congress designed these statutory frameworks for the states to take the lead role in implementation, with the EPA overseeing state actions.

Based on data and reports, the EPA is concerned that California's implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs. The cost of this failure will be paid by those Californians exposed to unhealthy air and degraded water. The purpose of this letter is to outline the deficiencies that have led to significant public health concerns in California and to outline steps the state must take to address them. To ensure that appropriate steps are being taken to protect Californians, the EPA would like a remedial plan from the state detailing the steps it is taking to address the issues raised below.

The EPA is aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment. Indeed, press reports indicate that "piles of human feces" on sidewalks and streets in these cities are becoming all too common.2 The EPA is concerned about the potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters.3 San

Internet Address (URL) + http://www.epa.gov Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

¹ The EPA first authorized California's base Clean Water Act program in 1973. The EPA subsequently approved the state to regulate discharges from federal facilities in 1978, administer the pretreatment program in 1989 and issue general permits in 1989. California also has received primacy to exercise Safe Drinking Water Act responsibilities in the state.

² See, e.g., Raphelson, Samantha. "San Francisco Squalor: City Streets Strewn With Trash, Needles And Human Feces, NPR (Aug. 1, 2018) available at https://www.npr.org/2018/08/01/634626538/san-francisco-squalor-city-streetsstrewn-with-trash-needles-and-human-feces (last accessed Sept. 22, 2019).

³ Human waste from homeless populations is a recognized source of bacteria in water bodies. See American Society of Civil Engineers, "Pathogens in Urban Stormwater Systems" (Aug. 2014); "The California Microbial Source Identification Manual: A Tiered Approach to Identifying Fecal Pollution Sources to Beaches" (Dec. 2013); Tools for Tracking Human Fecal Pollution in Urban Storm Drains, Streams, and Beaches (Sept. 2012). These reports are

Francisco, Los Angeles and the state do not appear to be acting with urgency to mitigate the risks to human health and the environment that may result from the homelessness crisis. California is responsible for implementing appropriate municipal storm water management and waste treatment requirements as part of its assumed federal program. The state is failing to properly implement these programs.

San Francisco is also one of the few major cities with sewers that combine stormwater and sewage flows that is not under a federal consent decree to meet the requirements of federal law. The EPA is committed to helping the state address this problem. In fact, the EPA provided the San Francisco Public Utility Commission a loan of \$699 million under favorable terms pursuant to authority under the *Water Infrastructure Finance and Innovation Act* in July 2018 for biosolid digestors and other related projects. However, these projects will not bring the city into compliance. San Francisco must invest billions of dollars to modernize its sewer system to meet CWA standards, avoid dumping untreated and partially treated sewage into the San Francisco Bay and Pacific Ocean where it can wash up on beaches and keep raw sewage inside pipes instead of in homes and businesses.

Even more troubling is the City of San Francisco's years-long practice – allowed by CalEPA – of routinely discharging more than one billion gallons of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean on an annual basis. The CWA requires municipal sewage be treated to certain levels and to meet water quality standards. Nonetheless, although San Francisco's combined sewer outfalls discharge to sensitive waters, these discharges do not receive biological treatment. Instead, San Francisco's combined sewer overflows are designed to remove floatables and settleable solids only and do not always achieve even that low level of treatment. These discharges may be contributing to the state's failure to meet water quality standards. By failing to maintain its sewer infrastructure, the city allowed raw sewage to back up into homes and businesses.

Overall, significant deficiencies are present, and the state has not acted with a sense of urgency to abate this public health and environmental problem. Among the other issues identified, the state's years-long approval of the discharges referenced above under its authorized CWA program raises serious questions as to whether it is administering a program consistent with federal law. The city's practices endanger public health, and the EPA is prepared to take the necessary steps to ensure CWA compliance. Given the magnitude of the issues, I have asked EPA staff to consider all options available to bring the city into compliance.

The state's lack of action in response to the homelessness crisis and San Francisco's discharges of inadequately treated sewage prompted the EPA to review other programs

available on the website for the San Francisco Bay Beaches Bacteria TMDL available at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/SFbaybeachesbacteria.html (last accessed September 22, 2019).

⁴ The EPA's current data also indicates that 15 major Publicly Owned Treatment Works are in significant noncompliance and 11 non-major POTWs are currently in significant noncompliance. These data are publicly available. See U.S. EPA, Enforcement and Compliance History Online water facility public search tool (https://echo.epa.gov/facilities/facility-search?mediaSelected=cwa).

administered by CalEPA for similar concerns. What we discovered after a preliminary review suggests the need for more formal and in-depth EPA oversight. For example, we are aware of numerous exceedances of state-issued National Pollutant Discharge Elimination System permits under section 402 of the CWA. Just in this past quarter, we identified 23 significant instances of discharges into waters of the United States in exceedance of permit limits. By way of example, the City of Los Angeles exceeded its permit limit for Indeno[1,2,3-cd]pyrene (a contaminant which is reasonably anticipated to be a human carcinogen) by 442 percent; the University of Southern California exceeded its permit limit for copper (a metal which can adversely affect human health and the health of aquatic life) by 420 percent; and Sanitary District Number 5 of Marin County exceeded its permit limit for total cyanide by 5,194 percent. These are serious matters that warrant a strong review by California.

California has the resources to address these problems. Apart from the state's significant tax base, California received more than \$1.16 billion of federal funds to implement CWA programs just in the last five years, including \$253.5 million in FY2018 and \$247 million in FY2019. In addition, California received more than \$152 million in categorical grants over this time to improve compliance with the CWA.

The EPA also has concerns about CalEPA's administration and oversight of SDWA programs and public water systems within the state. Indeed, we are aware of numerous recent health-based exceedances: in just the most recent reporting quarter of 2019, California had 202 Community Water Systems with 665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk. These exceedances include:

- 67 systems with 194 serious health-based exceedances of arsenic levels, impacting more than 101,000 residents;
- 210 lead action level exceedances in just the most recent 3-year interval at 168 PWSs, impacting more than 10,000 residents;
- two systems with serious Ground Water Rule⁵ compliance issues,⁶ impacting more than 250,000 residents;
- 44 systems with 154 exceedances of the Stage 1 and 2 disinfection byproduct regulations, impacting almost 255,000 residents; and
- 25 systems with 69 violations of radiological standards, impacting almost 12,000 residents.

These exceedances call into question the state's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements.

Under this Administration, the EPA stands ready to assist California and CalEPA to protect the health and environment of Californians. However, it is time for the state to act decisively under

⁵ The 2006 Ground Water Rule is a National Primary Drinking Water Regulation under the SDWA aimed at providing increased protection against microbial pathogens in public water systems that use ground water sources. See 71 FR 65574.

⁸ These health-based concerns are associated with unaddressed "significant deficiencies" identified via an audit of the system, called a "sanitary survey," and include, for example, an opening through which bacteria could enter a well head that the system has not repaired.

its authorities to address the problems identified in this letter. For each of the delegated or assumed programs discussed in this letter, I request a written response within 30 days outlining in detail how California intends to address the concerns and violations identified herein. This response should include a demonstration that the state has the adequate authority and capability to address these issues and specific anticipated milestones for correcting these problems. I look forward to hearing from you.

Sincerely

Andrew R. Wheeler

Mejias, Melissa [mejias.melissa@epa.gov]

9/25/2019 2:10:37 PM

From:

Sent:

To:

```
[benevento.douglas@epa.gov]
CC:
             Bodine, Susan [bodine.susan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Forsgren, Lee
             [Forsgren.Lee@epa.gov]
Subject:
             RE: Cal Letter and Press Release
Making the edits now and will do. Thanks!
----Original Message----
From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Wednesday, September 25, 2019 10:09 AM
To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: Cal Letter and Press Release
Thank you.
Mel...please let me know when you get it to Beth...I will follow up with her to ensure we get a final,
signed and dated copy.
Thank you!
----Original Message----
From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 10:04 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Subject: Re: Cal Letter and Press Release
FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just
reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly.
Thanks all.
Sent from my iPad
> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes
this is the one you should work off of.
> Get it to Beth White who can put it on letterhead and get it turned around by noon.
> Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they
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> ----Original Message----
> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Tuesday, September 24, 2019 10:24 PM
> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias,
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> Subject: Re: Cal Letter and Press Release
> Could somebody please get me what they think is the final version of the letter first thing in the
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>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I
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```

Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Benevento, Douglas

Ex. 5 Deliberative Process (DP)

```
>> I need a copy of the signed letter before I talk to press.
>>
>> ----Original Message----
>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>> Sent: Tuesday, September 24, 2019 7:24 PM
>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>
>> Subject: Re: Cal Letter and Press Release
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>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has.
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Melissa has the ability to make those changes but will leave whether we can do it to Dave.
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>>>> To: Benevento, Douglas <br/>
<br/>
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> <California Water Letter - Final - September, 2019.docx>
```

ERF v. EPA 20CV06893 ED_003023_00001034-00002

From: Bodine, Susan [bodine.susan@epa.gov]

Sent: 9/25/2019 12:25:11 AM

To: Benevento, Douglas [benevento.douglas@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]

CC: Ross, David P [ross.davidp@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]

Subject: RE: Cal Letter and Press Release

Attachments: Water TPs spb edits.docx

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

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Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa
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Sent from my iPhone
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>>

Ex. 5 Deliberative Process (DP)

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>> Sent from my iPad

```
From: Ross, David P [ross.davidp@epa.gov]
```

Sent: 9/25/2019 12:42:07 PM

To: Bodine, Susan [bodine.susan@epa.gov]

Subject: Re: Cal Letter and Press Release

```
Scratch that. Missed your attachment.
```

```
Sent from my iPad
> On Sep 25, 2019, at 8:12 AM, Ross, David P <ross.davidp@epa.gov> wrote:
> As I open this up this morning, are you saying you already made these changes in your last redline?
> Sent from my iPhone
> > On Sep 24, 2019, at 11:31 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
```

Ex. 5 Deliberative Process (DP)

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>>
>> ----Original Message-----
>> From: Ross, David P <ross.davidp@epa.gov>
>> Sent: Tuesday, September 24, 2019 11:07 PM
>> To: Benevento, Douglas <benevento.douglas@epa.gov>
>> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
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>>>> Sent from my iPhone
>>>>
>>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:
>>>>>
>>>> Doug
>>>>
>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan.
Melissa has the ability to make those changes but will leave whether we can do it to Dave.
>>>>>
>>>> Lee
>>>>
>>>> Sent from my iPhone
>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The
letter is going out very early Thursday morning. Make sure the old copy is destroyed.
>>>>>
>>>>> ----Original Message--
>>>>> From: Ross, David P < ross.davidp@epa.gov>
>>>>> Sent: Tuesday, September 24, 2019 2:22 PM
>>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>;
Forsgren, Lee <Forsgren.Lee@epa.gov>
>>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>
>>>>> Subject: Cal Letter and Press Release
>>>>> Deliberative; Pre-Decisional
>>>>>
>>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
```

Ex. 5 Deliberative Process (DP)

```
>>>>> I'm turning my attention to the TPs now.
>>>>>
>>>>> Sent from my iPad
>>>> <Water TPs spb edits.docx>
>>> <California Water Letter - Final - September, 2019.docx>
>> <California Water Letter - Final - September 2019 spb.docx>
```

ERF v. EPA 20CV06893 ED_003023_00006852-00002

From: Ross, David P [ross.davidp@epa.gov]

Sent: 9/25/2019 1:47:42 PM

Bodine, Susan [bodine.susan@epa.gov]

Re: Cal Letter and Press Release Subject:

```
Thanks.
```

```
Sent from my iPad
> On Sep 25, 2019, at 9:47 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:
```

> Correct.

Ex. 5 Deliberative Process (DP)

```
----Original Message----
> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Wednesday, September 25, 2019 9:34 AM
  To: Bodine, Susan <bodine.susan@epa.gov>
> Subject: Re: Cal Letter and Press Release
> I agree with your redlines and will incorporate some additional clean up on top of them and get this re-signed.

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Right?
```

> Sent from my iPad

>> On Sep 24, 2019, at 11:31 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

```
----Original Message----
>> From: Ross, David P <ross.davidp@epa.gov>
>> Sent: Tuesday, September 24, 2019 11:07 PM
>> To: Benevento, Douglas <benevento.douglas@epa.gov>
>> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
>> Subject: Re: Cal Letter and Press Release
>>
>> Ok thanks. I will work with Mel in the morning to look for the issues Susan has raised and insert my
few additional edits and then Mel will get it to Beth for signature. Thanks all.
>>
>> Sent from my iPad
>>
>>> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>
>>> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes
this is the one you should work off of.
>>>
>>> Get it to Beth White who can put it on letterhead and get it turned around by noon.
>>>
>>> Corry, if I understood you correctly the Washington Post is now the outlet we're working with and
they will receive the letter at noon tomorrow and embargo it until Thursday morning.
>>> ----Original Message----
>>> From: Ross, David P <ross.davidp@epa.gov>
>>> Sent: Tuesday, September 24, 2019 10:24 PM
>>> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
>>> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias,
Melissa <mejias.melissa@epa.gov>
```

```
>>> Subject: Re: Cal Letter and Press Release
>>>
>>> Could somebody please get me what they think is the final version of the letter first thing in the
morning and I will fix it. Who has the final electronic version?
>>>
>>> Sent from my iPad
>>>
>>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>>>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but
I want the information distributed internally to be consistent and accurate.
>>>>
```

Ex. 5 Deliberative Process (DP)

```
>>>> I need a copy of the signed letter before I talk to press.
>>>>
>>>> ----Original Message----
>>>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>>>> Sent: Tuesday, September 24, 2019 7:24 PM
>>>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>>>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <br/>bodine.susan@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>
>>>> Subject: Re: Cal Letter and Press Release
>>>>
>>>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has.
Dave if you can get it to him before noon that will work.
>>>>
>>>> Sent from my iPhone
>>>>
>>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:
>>>>
>>>> Doug
>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.
>>>>>
>>>> Lee
>>>>>
>>>> Sent from my iPhone
>>>>>
>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan,
I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The
letter is going out very early Thursday morning. Make sure the old copy is destroyed.
>>>>>
>>>>> ----Original Message----
>>>>> From: Ross, David P <ross.davidp@epa.gov>
>>>>> Sent: Tuesday, September 24, 2019 2:22 PM
>>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <br/>
<br/>
bodine.susan@epa.gov>;
Forsgren, Lee <Forsgren.Lee@epa.gov>
>>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>
>>>>> Subject: Cal Letter and Press Release
>>>>> Deliberative; Pre-Decisional
>>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
```

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>>>>> I'm turning my attention to the TPs now.
>>>>>
>>>>> Sent from my iPad
>>>> <Water TPs spb edits.docx>
>>> <California Water Letter - Final - September, 2019.docx>
>> <California Water Letter - Final - September 2019 spb.docx>

ERF v. EPA 20CV06893

From: Forsgren.Lee@epa.gov [Forsgren.Lee@epa.gov]

Sent: 9/25/2019 1:22:25 PM

To: Ross, David P [ross.davidp@epa.gov]
CC: Mejias, Melissa [mejias.melissa@epa.gov]

Subject: Re: Cal Letter and Press Release

Will be available then. Call me.

Sent from my iPhone

On Sep 25, 2019, at 6:20 AM, Ross, David P < ross.davidp@epa.gov > wrote:

Ok, I'm going to print and read this, put my edits in pen on top, and then you, Lee and I can get on the phone and talk. Give me 10 minutes or so.

Sent from my iPad

On Sep 25, 2019, at 9:18 AM, Mejias, Melissa <mejias.melissa@epa.gov> wrote:

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa

Sent: Wednesday, September 25, 2019 8:53 AM

To: Ross, David P <<u>ross.davidp@epa.gov</u>>
Cc: Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>>
Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P < ross.davidp@epa.gov > Sent: Wednesday, September 25, 2019 8:45 AM To: Mejias, Melissa < mejias.melissa@epa.gov > Cc: Forsgren, Lee < Forsgren.Lee@epa.gov > Subject: Fwd: Cal Letter and Press Release

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>

Date: September 24, 2019 at 10:54:20 PM EDT

To: "Ross, David P" <ross.davidp@epa.gov>, "Bodine, Susan"

<bodine.susan@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>

Cc: "Forsgren, Lee" < Forsgren. Lee@epa.gov >, "Mejias, Melissa"

<mejias.melissa@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message-----

From: Ross, David P < ross.davidp@epa.gov> Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan

<jackson.ryan@epa.gov>

Cc: Benevento, Douglas <<u>benevento.douglas@epa.gov</u>>; Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>>; Mejias, Melissa <<u>mejias.melissa@epa.gov</u>> Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan

bodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message-----

From: Benevento, Douglas

depa.gov>

Sent: Tuesday, September 24, 2019 7:24 PM To: Forsgren, Lee < Forsgren.Lee@epa.gov>

Cc: Ross, David P <<u>ross.davidp@epa.gov</u>>; Bodine, Susan <<u>bodine.susan@epa.gov</u>>; Mejias, Melissa

<mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <<u>benevento.douglas@e</u> <u>pa.gov</u>> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----

-

From: Ross, David P <ross.davidp@epa.gov>

Sent: Tuesday, September 24, 2019 2:22 PM

To: Benevento, Douglas

<benevento.douglas@e

pa.gov>; Bodine, Susan

<bodine.susan@epa.go

v>; Forsgren, Lee

<Forsgren.Lee@epa.go

v>

Cc: Mejias, Melissa <mejias.melissa@epa.g

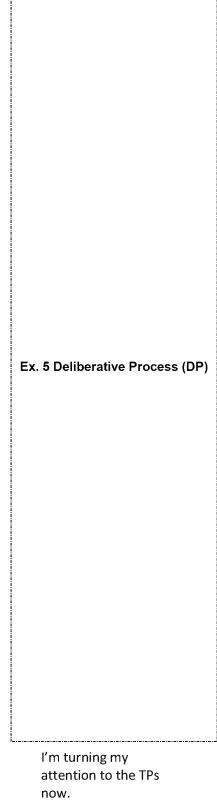
<u>ov</u>>

Subject: Cal Letter and Press Release

Deliberative; Pre-Decisional

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

Ex. 5 Deliberative Process (DP)



Sent from my iPad

<Water TPs spb edits.docx>

<California Water Letter - Final - September 2019 spb.pdf>

From: Ross, David P [ross.davidp@epa.gov]

Sent: 9/25/2019 1:35:26 PM

To: Ross, David P [ross.davidp@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Forsgren, Lee

[Forsgren.Lee@epa.gov]

Subject: Re: Cal Letter and Press Release

I'm reading. Calling in now.

Sent from my iPad

On Sep 25, 2019, at 9:34 AM, Ross, David P < ross.davidp@epa.gov > wrote:

I've opened up a line – number in calendar. Call when ready.

From: Forsgren, Lee < Forsgren. Lee@epa.gov > Sent: Wednesday, September 25, 2019 9:22 AM

To: Ross, David P < ross.davidp@epa.gov > Cc: Mejias, Melissa < mejias.melissa@epa.gov > Subject: Re: Cal Letter and Press Release

Will be available then. Call me.

Sent from my iPhone

On Sep 25, 2019, at 6:20 AM, Ross, David P < ross.davidp@epa.gov > wrote:

Ok, I'm going to print and read this, put my edits in pen on top, and then you, Lee and I can get on the phone and talk. Give me 10 minutes or so.

Sent from my iPad

On Sep 25, 2019, at 9:18 AM, Mejias, Melissa < mejias.melissa@epa.gov > wrote:

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa

Sent: Wednesday, September 25, 2019 8:53 AM

To: Ross, David P <<u>ross.davidp@epa.gov</u>>
Cc: Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>>
Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P < ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 8:45 AM
To: Mejias, Melissa < mejias.melissa@epa.gov>

Cc: Forsgren, Lee < Forsgren.Lee@epa.gov > **Subject:** Fwd: Cal Letter and Press Release

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" < benevento.douglas@epa.gov>

Date: September 24, 2019 at 10:54:20 PM EDT **To:** "Ross, David P" < ross.davidp@epa.gov >, "Bodine, Susan" < bodine.susan@epa.gov >, "Jackson, Ryan" < jackson.ryan@epa.gov >

Cc: "Forsgren, Lee" < <u>Forsgren.Lee@epa.gov</u>>, "Mejias, Melissa" < <u>mejias.melissa@epa.gov</u>>, "Schiermeyer, Corry" < schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message-----

From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson,

Ryan < jackson.ryan@epa.gov>

Cc: Benevento, Douglas

< benevento.douglas@epa.gov >; Forsgren, Lee

<Forsgren.Lee@epa.gov>; Mejias, Melissa

<mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan < bodine.susan@epa.gov > wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas
 <benevento.douglas@epa.gov>

Sent: Tuesday, September 24, 2019

7:24 PM

To: Forsgren, Lee

<Forsgren.Lee@epa.gov>

Cc: Ross, David P

<<u>ross.davidp@epa.gov</u>>; Bodine, Susan <<u>bodine.susan@epa.gov</u>>; Mejias, Melissa <<u>mejias.melissa@epa.gov</u>>

Subject: Re: Cal Letter and Press

Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren.Lee@epa.go v> wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Beneve nto, Douglas
ento.do uglas@epa.gov > wrote:

Lee if we change the letter you're

going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final ve rsion for delivery . The letter should go to Beth White. The letter is going out very early Thursd ay mornin g. Make sure the old copy is destroy ed. Original Messag e----

From:

Ross,

David P

<<u>ross.d</u>

avidp@

epa.gov

>

Sent:

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To:

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nto,

Douglas

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>;

Bodine,

Susan

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<u>e.susan</u>

@epa.g

<u>ov</u>>;

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n, Lee

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<u>en.Lee</u>

@epa.g

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Cc:

Mejias,

Melissa

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<<u>mejias</u> .melissa

@epa.g

<u>ov</u>>

Subject:

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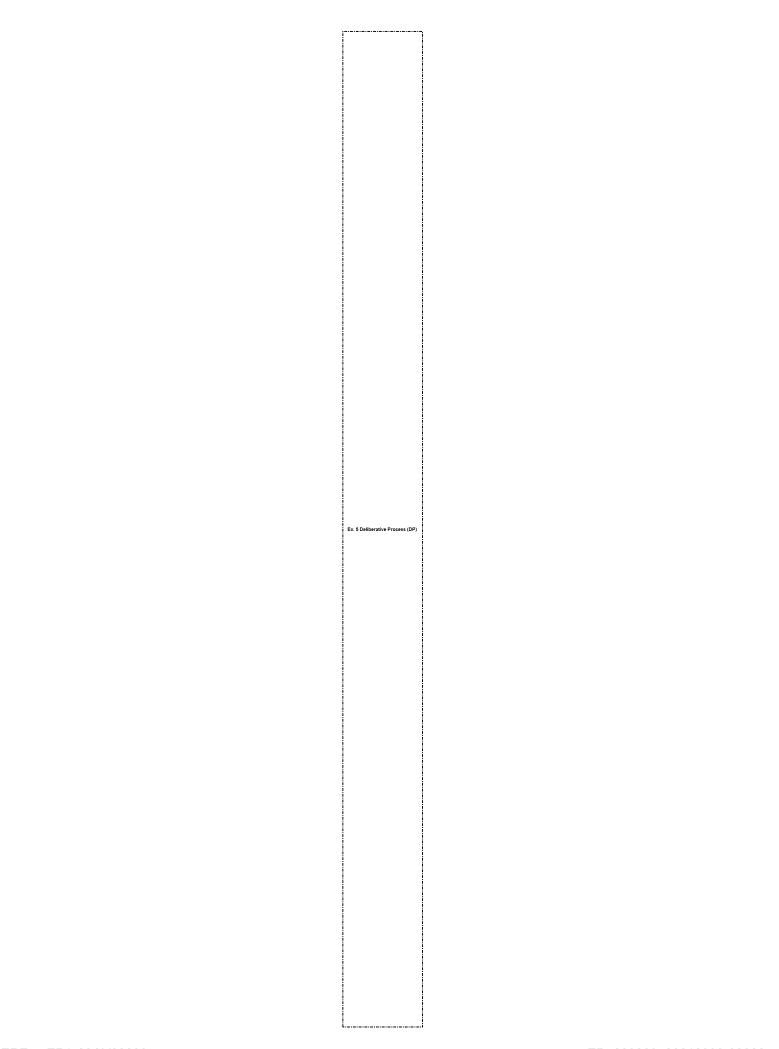
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nal

On the

latest

version
of the
Cal
water
letter, I
agree
with
Susan's
redlines
. A few
other
nits:





attentio n to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

<California Water Letter - Final - September 2019 spb.pdf>

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]

Sent: 9/25/2019 1:22:26 PM

To: Ross, David P [ross.davidp@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Cal Letter and Press Release

Sounds good.

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 9:20 AM
To: Mejias, Melissa <mejias.melissa@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: Cal Letter and Press Release

Ok, I'm going to print and read this, put my edits in pen on top, and then you, Lee and I can get on the phone and talk. Give me 10 minutes or so.

Sent from my iPad

On Sep 25, 2019, at 9:18 AM, Mejias, Melissa < mejias.melissa@epa.gov > wrote:

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa

Sent: Wednesday, September 25, 2019 8:53 AM **To:** Ross, David P < ross.davidp@epa.gov > **Cc:** Forsgren, Lee < Forsgren, Lee@epa.gov >

Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P < ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 8:45 AM
To: Mejias, Melissa < regias.melissa@epa.gov>
Cc: Forsgren, Lee < Forsgren.Lee@epa.gov>
Subject: Fwd: Cal Letter and Press Release

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Begin forwarded message:

From: "Benevento, Douglas" < benevento.douglas@epa.gov>

Date: September 24, 2019 at 10:54:20 PM EDT

To: "Ross, David P" <<u>ross.davidp@epa.gov</u>>, "Bodine, Susan" <<u>bodine.susan@epa.gov</u>>, "Jackson, Ryan" <<u>jackson.ryan@epa.gov</u>>

Cc: "Forsgren, Lee" < <u>Forsgren.Lee@epa.gov</u>>, "Mejias, Melissa" < <u>mejias.melissa@epa.gov</u>>, "Schiermeyer, Corry" < <u>schiermeyer.corry@epa.gov</u>>

Subject: RE: Cal Letter and Press Release

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To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Benevento, Douglas < benevento.douglas@epa.gov">benevento.douglas@epa.gov; Forsgren, Lee Forsgren, Lee @epa.gov; Mejias, Melissa meijas.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

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Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan < bodine.susan@epa.gov > wrote:

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Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message-----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov>

Cc: Ross, David P <<u>ross.davidp@epa.gov</u>>; Bodine, Susan

<bodine.susan@epa.gov>; Mejias, Melissa < mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

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Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas

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----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 2:22 PM To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan
<bodine.susan@epa.gov>; Forsgren, Lee < Forsgren.Lee@epa.gov> Cc: Mejias, Melissa <mejias.melissa@epa.gov> Subject: Cal Letter and Press Release Deliberative; Pre-Decisional On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits: Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

<California Water Letter - Final - September 2019 spb.pdf>

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]

Sent: 9/25/2019 1:18:32 PM

To: Ross, David P [ross.davidp@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: Cal Letter and Press Release

Subject. N.E. Cal Letter and Fress Nelease

Attachments: California Water Letter - Final - September 2019 spb.pdf

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa

Sent: Wednesday, September 25, 2019 8:53 AMTo: Ross, David P <ross.davidp@epa.gov>Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P < ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 8:45 AM
To: Mejias, Melissa < mejias.melissa@epa.gov>
Cc: Forsgren, Lee < Forsgren.Lee@epa.gov>
Subject: Fwd: Cal Letter and Press Release

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>

Date: September 24, 2019 at 10:54:20 PM EDT

To: "Ross, David P" <<u>ross.davidp@epa.gov</u>>, "Bodine, Susan" <<u>bodine.susan@epa.gov</u>>, "Jackson, Ryan" <jackson.ryan@epa.gov>

Cc: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mejias, Melissa" <mejias.melissa@epa.gov>,

"Schiermeyer, Corry" <schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov> Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >;

Mejias, Melissa < mejias.melissa@epa.gov > Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan < bodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren.Lee@epa.gov>

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan < bodine.susan@epa.gov >;

Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren.Lee@epa.gov > wrote:

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov>

Sent: Tuesday, September 24, 2019 2:22 PM

To: Benevento, Douglas

<benevento.douglas@epa.gov>; Bodine, Susan

<bodine.susan@epa.gov>; Forsgren, Lee

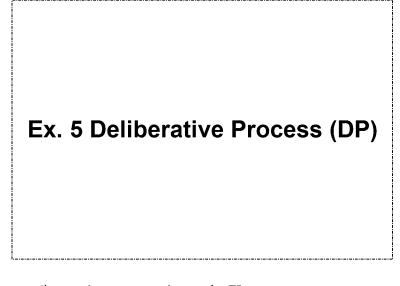
<Forsgren.Lee@epa.gov>

Cc: Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Cal Letter and Press Release

Deliberative; Pre-Decisional

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:



I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

From: Ross, David P [ross.davidp@epa.gov]

Sent: 9/25/2019 12:41:19 PM

To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Re: Cal Letter and Press Release

And please make sure she was redlining against the most recent version of the letter.

Sent from my iPad

On Sep 25, 2019, at 8:40 AM, Ross, David P < ross.davidp@epa.gov > wrote:

Can you send me this attachment in PDF?

Sent from my iPad

Begin forwarded message:

From: "Bodine, Susan" < bodine.susan@epa.gov > Date: September 24, 2019 at 11:31:58 PM EDT To: "Ross, David P" < ross.davidp@epa.gov > Subject: RE: Cal Letter and Press Release

Ex. 5 Deliberative Process (DP)

----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 11:07 PM

To: Benevento, Douglas < benevento.douglas@epa.gov >

Cc: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >; Mejias,

Maliago (maliago Mana gay); Cabiannayan Canny

Melissa < mejias.melissa@epa.gov >; Schiermeyer, Corry

<schiermeyer.corry@epa.gov>

Subject: Re: Cal Letter and Press Release

Ok thanks. I will work with Mel in the morning to look for the issues Susan has raised and insert my few additional edits and then Mel will get it to Beth for signature. Thanks all.

Sent from my iPad

On Sep 24, 2019, at 10:54 PM, Benevento, Douglas benevento.douglas@epa.gov wrote:

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan

 sodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas benevento.douglas@epa.gov

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov >

Cc: Ross, David P <<u>ross.davidp@epa.gov</u>>; Bodine, Susan <<u>bodine.susan@epa.gov</u>>; Mejias,

Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren.Lee@epa.gov > wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas

benevento.douglas@epa.gov wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----

From: Ross, David P <<u>ross.davidp@epa.go</u> <u>v</u>>

Sent: Tuesday, September 24, 2019

September 24, 2019 2:22 PM To: Benevento,

Douglas
benevento.douglas@epa.gov; Bodine,
Susan
bodine.susan@epa.gov>; Forsgren, Lee
bodine.susan@epa.gov>

Cc: Mejias, Melissa < mejias.melissa@epa. gov>

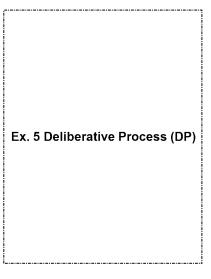
Subject: Cal Letter and Press Release

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits: Ex. 5 Deliberative Process (DP)

Deliberative; Pre-

Decisional

ERF v. EPA 20CV06893



I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

<California Water Letter - Final - September, 2019.docx>

<California Water Letter - Final - September 2019 spb.docx>

Message

From: Mejias, Melissa [mejias.melissa@epa.gov]

Sent: 9/25/2019 2:40:52 AM

To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]

Subject: RE: Cal Letter and Press Release

Dave and Lee – I know we don't have the latest version of the PR. I'll work on get my hands on the latest version of both documents and make it known we are making edits to the latest and no other copies should be circulated.

From: Ross, David P <ross.davidp@epa.gov> Sent: Tuesday, September 24, 2019 10:26 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: Fwd: Cal Letter and Press Release

I don't know what you have in the morning, but until we get this cleared up, this has to be the priority. Thanks.

Sent from my iPad

Begin forwarded message:

From: "Ross, David P" < ross.davidp@epa.gov> Date: September 24, 2019 at 10:23:55 PM EDT

To: "Bodine, Susan" <bodine.susan@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>

Cc: "Benevento, Douglas" < benevento.douglas@epa.gov >, "Forsgren, Lee" < Forsgren.Lee@epa.gov >,

"Mejias, Melissa" < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan < bodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren.Lee@epa.gov>

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan < bodine.susan@epa.gov >;

Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren.Lee@epa.gov > wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message-----

From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 2:22 PM

To: Benevento, Douglas

<benevento.douglas@epa.gov>; Bodine, Susan

< <u>bodine.susan@epa.gov</u> >; Forsgren, Lee < <u>Forsgren.Lee@epa.gov</u> >
Cc: Mejias, Melissa < mejias.melissa@epa.gov >
Subject: Cal Letter and Press Release
Deliberative; Pre-Decisional
 On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

From: Grantham.Nancy@epa.gov [Grantham.Nancy@epa.gov]

Sent: 9/26/2019 1:14:50 PM

To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]

Subject: Fwd: Cal Letter and Press Release

Attachments: image2019-09-25-035805.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>

Date: September 25, 2019 at 3:48:07 PM EDT

To: "Grantham, Nancy" < Grantham. Nancy@epa.gov>

Cc: "Abboud, Michael" <abboud.michael@epa.gov>, "Block, Molly"
 block.molly@epa.gov>,

"McFaul, Jessica" < mcfaul.jessica@epa.gov >, "Beach, Christopher"

<<u>beach.christopher@epa.gov</u>>, "Woods, Andrea" <<u>Woods.Andrea@epa.gov</u>>

Subject: FW: Cal Letter and Press Release

We need to have this posted to the website at 10:30amET tomorrow.

----Original Message----

From: Jackson, Ryan < jackson.ryan@epa.gov>

Sent: Wednesday, September 25, 2019 3:33 PM

To: Ross, David P < ross.davidp@epa.gov >; Benevento, Douglas

< benevento.douglas@epa.gov>; Schiermeyer, Corry < schiermeyer.corry@epa.gov>; McFaul,

Jessica < mcfaul.jessica@epa.gov>; Abboud, Michael < abboud.michael@epa.gov>; Block,

Molly <block.molly@epa.gov>

Cc: Bodine, Susan < bodine.susan@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >; Mejias,

Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Attached is the final, signed letter.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov>

Sent: Wednesday, September 25, 2019 10:04 AM

To: Benevento, Douglas < benevento.douglas@epa.gov >

Cc: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >;

Forsgren, Lee < Forsgren. Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >;

Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Subject: Re: Cal Letter and Press Release

FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly.

Thanks all.

Sent from my iPad

On Sep 24, 2019, at 10:54 PM, Benevento, Douglas benevento.douglas@epa.gov> wrote:

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan

Sodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov >

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan

< bodine.susan@epa.gov>; Mejias, Melissa

<mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee Forsgren.Lee@epa.gov wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov> wrote: Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov>

Sent: Tuesday, September 24, 2019

2:22 PM

To: Benevento, Douglas

benevento.douglas@epa.gov;

Bodine, Susan bodine.susan@epa.gov;

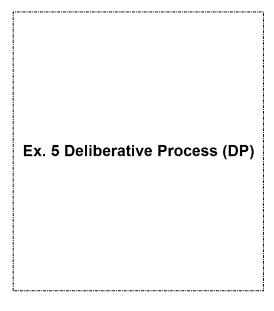
Forsgren, Lee Forsgren, Lee Forsgren, Lee Bodine.susan@epa.gov;

Cc: Mejias, Melissa mejias.melissa@epa.gov

Subject: Cal Letter and Press Release

Deliberative; Pre-Decisional

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:



I'm turning my attention to the TPs now.

Sent from my iPad
<Water TPs spb edits.docx>
<California Water Letter - Final - September, 2019.docx>

Abboud, Michael [abboud.michael@epa.gov]

9/25/2019 7:47:47 PM

From:

Sent:

Grantham, Nancy [Grantham.Nancy@epa.gov] To: FW: Cal Letter and Press Release Subject: Attachments: image2019-09-25-035805.pdf ----Original Message----From: Jackson, Ryan <jackson.ryan@epa.gov> Sent: Wednesday, September 25, 2019 3:33 PM
To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov> Cc: Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov> Subject: RE: Cal Letter and Press Release Attached is the final, signed letter. ----Original Message----From: Ross, David P <ross.davidp@epa.gov> Sent: Wednesday, September 25, 2019 10:04 AM To: Benevento, Douglas <benevento.douglas@epa.gov> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov> Subject: Re: Cal Letter and Press Release FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly. Thanks all. Sent from my iPad > Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of. > Get it to Beth White who can put it on letterhead and get it turned around by noon. Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning. ----Original Message----> From: Ross, David P <ross.davidp@epa.gov> > Sent: Tuesday, September 24, 2019 10:24 PM > To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov> > Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov> > Subject: Re: Cal Letter and Press Release > Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version? > Sent from my iPad >> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote: >> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

```
Ex. 5 Deliberative Process (DP)
>>
>> I need a copy of the signed letter before I talk to press.
>>
>> ----Original Message----
>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>> Sent: Tuesday, September 24, 2019 7:24 PM
>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>
>> Subject: Re: Cal Letter and Press Release
>>
>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has.
Dave if you can get it to him before noon that will work.
>> Sent from my iPhone
>>
>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:
>>>
>>> Doug
>>>
>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan.
Melissa has the ability to make those changes but will leave whether we can do it to Dave.
>>>
>>> Lee
>>>
>>> Sent from my iPhone
>>>
>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>>
>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm
in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The
letter is going out very early Thursday morning. Make sure the old copy is destroyed.
>>>> ----Original Message----
>>>> From: Ross, David P <ross.davidp@epa.gov>
>>> Sent: Tuesday, September 24, 2019 2:22 PM
>>>> To: Benevento, Douglas <br/>
<br/>
benevento.douglas@epa.gov>; Bodine, Susan <br/>
bodine.susan@epa.gov>; Forsgren,
Lee <Forsgren.Lee@epa.gov>
>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>
>>>> Subject: Cal Letter and Press Release
>>>>
>>>> Deliberative; Pre-Decisional
>>>>
>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
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Ex. 5 Deliberative Process (DP)

```
>>> I'm turning my attention to the TPs now.
>>>>
>>> Sent from my iPad
>> <Water TPs spb edits.docx>
> <California Water Letter - Final - September, 2019.docx>
```

ERF v. EPA 20CV06893 ED_003023_00029573-00002

From: Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]

Sent: 9/25/2019 7:50:52 PM

To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]

CC: Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica

[mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Woods, Andrea

[Woods.Andrea@epa.gov]

Subject: Re: Cal Letter and Press Release

```
Can do
```

```
Sent from my iPhone
> On Sep 25, 2019, at 3:48 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:
> We need to have this posted to the website at 10:30amET tomorrow.
> ----Original Message----
> From: Jackson, Ryan < jackson.ryan@epa.gov>
 Sent: Wednesday, September 25, 2019 3:33 PM
> To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer,
Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Abboud, Michael
<abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
> Cc: Bodine, Susan <bodine.susan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
> Subject: RE: Cal Letter and Press Release
> Attached is the final, signed letter.
> ----Original Message----
> From: Ross, David P <ross.davidp@epa.gov>
> Sent: Wednesday, September 25, 2019 10:04 AM
> To: Benevento, Douglas <benevento.douglas@epa.gov>
> Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
> Subject: Re: Cal Letter and Press Release
> FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I
just reviewed those edits, and Mel will be putting this into a final version to pass on to the AO
shortly.
> Thanks all.
> Sent from my iPad
>> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <br/> <br/> denevento.douglas@epa.gov> wrote:
>>
>> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes
this is the one you should work off of.
>> Get it to Beth White who can put it on letterhead and get it turned around by noon.
         if I understood you correctly the Washington Post is now the outlet we're working with and
>> Corrv.
they will receive the letter at noon tomorrow and embargo it until Thursday morning.
>> ----Original Message----
>> From: Ross, David P <ross.davidp@epa.gov>
>> Sent: Tuesday, September 24, 2019 10:24 PM
>> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
>> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias,
Melissa <mejias.melissa@epa.gov>
>> Subject: Re: Cal Letter and Press Release
>>
>> Could somebody please get me what they think is the final version of the letter first thing in the
morning and I will fix it. Who has the final electronic version?
>>
>> Sent from my iPad
>>
```

>>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

>>>

>>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

```
>>> I need a copy of the signed letter before I talk to press.
>>>
>>> ----Original Message----
>>> From: Benevento, Douglas <benevento.douglas@epa.gov>
>>> Sent: Tuesday, September 24, 2019 7:24 PM
>>> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
>>> Cc: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mejias, Melissa
<mejias.melissa@epa.gov>
>>> Subject: Re: Cal Letter and Press Release
>>>
>>> Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has.
Dave if you can get it to him before noon that will work.
>>> Sent from my iPhone
>>>
>>> On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:
>>>>
>>>> Doug
>>>>
>>>> I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan.
Melissa has the ability to make those changes but will leave whether we can do it to Dave.
>>>> Lee
>>>>
>>>> Sent from my iPhone
>>>>
>>>> On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:
>>>>>
>>>> Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan,
I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The
letter is going out very early Thursday morning. Make sure the old copy is destroyed.
>>>> ----Original Message----
>>>> From: Ross, David P <ross.davidp@epa.gov>
>>>> Sent: Tuesday, September 24, 2019 2:22 PM
>>>> To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Forsgren,
Lee <Forsgren.Lee@epa.gov>
>>>> Cc: Mejias, Melissa <mejias.melissa@epa.gov>
>>>> Subject: Cal Letter and Press Release
>>>>>
>>>> Deliberative; Pre-Decisional
>>>> On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:
```

```
>>>> I'm turning my attention to the TPs now.
>>>>>
>>>>> Sent from my iPad
>>> <Water TPs spb edits.docx>
>> <California Water Letter - Final - September, 2019.docx>
```

> <image2019-09-25-035805.pdf>

From: ross.davidp@epa.gov [ross.davidp@epa.gov]

 Sent:
 9/25/2019 1:19:30 PM

 To:
 Ex. 6

Subject: Fwd: Cal Letter and Press Release

Attachments: California Water Letter - Final - September 2019 spb.pdf; ATT00001.htm

For home printing.

Sent from my iPad

Begin forwarded message:

From: "Mejias, Melissa" < mejias.melissa@epa.gov > Date: September 25, 2019 at 9:18:32 AM EDT To: "Ross, David P" < ross.davidp@epa.gov > Cc: "Forsgren, Lee" < Forsgren.Lee@epa.gov > Subject: RE: Cal Letter and Press Release

The version Susan sent last night attached – this is the latest version! She made edits off of the version Doug circulated last night and I sent you yesterday at 11:02pm. Spoke to Susan and she agrees we have a version control problem.

From: Mejias, Melissa

Sent: Wednesday, September 25, 2019 8:53 AM
To: Ross, David P < ross.davidp@epa.gov >
Cc: Forsgren, Lee < Forsgren.Lee@epa.gov >
Subject: RE: Cal Letter and Press Release

Please give me a second to confirm all the above.

From: Ross, David P <<u>ross.davidp@epa.gov</u>>
Sent: Wednesday, September 25, 2019 8:45 AM
To: Mejias, Melissa <<u>mejias.melissa@epa.gov</u>>
Cc: Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>>
Subject: Fwd: Cal Letter and Press Release

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>

Date: September 24, 2019 at 10:54:20 PM EDT

To: "Ross, David P" < ross.davidp@epa.gov >, "Bodine, Susan" < bodine.susan@epa.gov >,

"Jackson, Ryan" < jackson.ryan@epa.gov>

Cc: "Forsgren, Lee" < Forsgren. Lee@epa.gov >, "Mejias, Melissa"

<mejias.melissa@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>
Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message-----

From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Benevento, Douglas <<u>benevento.douglas@epa.gov</u>>; Forsgren, Lee <<u>Forsgren.Lee@epa.gov</u>>; Mejias, Melissa <<u>mejias.melissa@epa.gov</u>>

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan < bodine.susan@epa.gov > wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message-----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov>

Cc: Ross, David P <<u>ross.davidp@epa.gov</u>>; Bodine, Susan <<u>bodine.susan@epa.gov</u>>; Mejias, Melissa <<u>mejias.melissa@epa.gov</u>>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message-----

From: Ross, David P < ross.davidp@epa.gov>

Sent: Tuesday, September 24, 2019

2:22 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan < bodine.susan@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov> Cc: Mejias, Melissa <mejias.melissa@epa.gov> Subject: Cal Letter and Press Release Deliberative; Pre-Decisional On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits: Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

From: ross.davidp@epa.gov [ross.davidp@epa.gov]

 Sent:
 9/25/2019 1:09:33 PM

 To:
 Ex. 6

 Subject:
 Fwd: Cal Letter and Press Release

Attachments: California Water Letter - Final - September, 2019.docx; ATT00001.htm; California Water Letter - Final - September

2019.pdf; ATT00002.htm

For home printing.

Sent from my iPad

Begin forwarded message:

From: "Mejias, Melissa" < mejias.melissa@epa.gov > Date: September 24, 2019 at 11:02:02 PM EDT

To: "Ross, David P" < ross.davidp@epa.gov >, "Forsgren, Lee" < Forsgren.Lee@epa.gov >

Subject: FW: Cal Letter and Press Release

Latest version. I'll call Corry in the morning to let her know we have edits.

----Original Message----

From: Benevento, Douglas benevento.douglas@epa.gov>

Sent: Tuesday, September 24, 2019 10:54 PM

To: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan < bodine.susan@epa.gov >; Jackson,

Ryan < jackson.ryan@epa.gov>

Cc: Forsgren, Lee < Forsgren. Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >;

Schiermeyer, Corry < schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan

Sodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov>

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan

< bodine.susan@epa.gov>; Mejias, Melissa < mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren. Lee@epa.gov > wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 2:22 PM

To: Benevento, Douglas

<<u>benevento.douglas@epa.gov</u>>; Bodine, Susan

< bodine.susan@epa.gov >; Forsgren, Lee

<Forsgren.Lee@epa.gov>

Cc: Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Cal Letter and Press Release

Deliberative; Pre-Decisional

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad <Water TPs spb edits.docx>

From: ross.davidp@epa.gov [ross.davidp@epa.gov]

Sent: 9/25/2019 12:44:43 PM

To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: Cal Letter and Press Release

Attachments: California Water Letter - Final - September, 2019.docx; ATT00001.htm

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on last night at 11:31 pm, which I forwarded you this morning. Please confirm.

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" < benevento.douglas@epa.gov >

Date: September 24, 2019 at 10:54:20 PM EDT

To: "Ross, David P" < ross.davidp@epa.gov >, "Bodine, Susan" < bodine.susan@epa.gov >,

"Jackson, Ryan" < jackson.ryan@epa.gov>

Cc: "Forsgren, Lee" < Forsgren. Lee@epa.gov >, "Mejias, Melissa" < mejias.melissa@epa.gov >,

"Schiermeyer, Corry" < schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan

bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee

<Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan

Sodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov >

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan

< bodine.susan@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren. Lee@epa.gov > wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 2:22 PM

To: Benevento, Douglas

< benevento.douglas@epa.gov >; Bodine, Susan

< bodine.susan@epa.gov>; Forsgren, Lee

<Forsgren.Lee@epa.gov>

Cc: Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Cal Letter and Press Release

Deliberative; Pre-Decisional

On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits:

Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad <Water TPs spb edits.docx>

From: ross.davidp@epa.gov [ross.davidp@epa.gov]

Sent: 9/25/2019 12:43:53 PM

To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: Cal Letter and Press Release

Attachments: California Water Letter - Final - September, 2019.docx; ATT00001.htm

So just to be clear. This is the most recent version, which matches the one you sent me in PDF at 11:02 last night. And hopefully this is the one that Susan sent redlines on

Sent from my iPad

Begin forwarded message:

From: "Benevento, Douglas" < benevento.douglas@epa.gov>

Date: September 24, 2019 at 10:54:20 PM EDT

To: "Ross, David P" < ross.davidp@epa.gov >, "Bodine, Susan" < bodine.susan@epa.gov >,

"Jackson, Ryan" < jackson.ryan@epa.gov>

Cc: "Forsgren, Lee" < Forsgren. Lee@epa.gov >, "Mejias, Melissa" < mejias.melissa@epa.gov >,

"Schiermeyer, Corry" < schiermeyer.corry@epa.gov>

Subject: RE: Cal Letter and Press Release

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Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < <u>ross.davidp@epa.gov</u>>

Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee

< Forsgren. Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan < bodine.susan@epa.gov > wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov >

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan

< bodine.susan@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee < Forsgren. Lee@epa.gov > wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message----From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 2:22 PM To: Benevento, Douglas < benevento.douglas@epa.gov >; Bodine, Susan < bodine.susan@epa.gov>; Forsgren, Lee < Forsgren. Lee@epa.gov> Cc: Mejias, Melissa < mejias.melissa@epa.gov > Subject: Cal Letter and Press Release Deliberative; Pre-Decisional On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits: Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad <Water TPs spb edits.docx>

From: ross.davidp@epa.gov [ross.davidp@epa.gov]

Sent: 9/25/2019 12:40:35 PM

To: Mejias, Melissa [mejias.melissa@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Fwd: Cal Letter and Press Release

Attachments: California Water Letter - Final - September 2019 spb.docx; ATT00001.htm

Can you send me this attachment in PDF?

Sent from my iPad

Begin forwarded message:

From: "Bodine, Susan" < bodine.susan@epa.gov > Date: September 24, 2019 at 11:31:58 PM EDT To: "Ross, David P" < ross.davidp@epa.gov > Subject: RE: Cal Letter and Press Release

Ex. 5 Deliberative Process (DP)

----Original Message----

From: Ross, David P < ross.davidp@epa.gov > Sent: Tuesday, September 24, 2019 11:07 PM

To: Benevento, Douglas

 benevento.douglas@epa.gov>

Cc: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >;

Forsgren, Lee < Forsgren. Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >;

Schiermeyer, Corry < schiermeyer.corry@epa.gov>

Subject: Re: Cal Letter and Press Release

Ok thanks. I will work with Mel in the morning to look for the issues Susan has raised and insert my few additional edits and then Mel will get it to Beth for signature. Thanks all.

Sent from my iPad

On Sep 24, 2019, at 10:54 PM, Benevento, Douglas < benevento.douglas@epa.gov > wrote:

Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of.

Get it to Beth White who can put it on letterhead and get it turned around by noon.

Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning.

----Original Message----

From: Ross, David P < ross.davidp@epa.gov >

Sent: Tuesday, September 24, 2019 10:24 PM

To: Bodine, Susan < bodine.susan@epa.gov >; Jackson, Ryan < jackson.ryan@epa.gov >

Cc: Benevento, Douglas < benevento.douglas@epa.gov >; Forsgren, Lee < Forsgren.Lee@epa.gov >; Mejias, Melissa < mejias.melissa@epa.gov >

Subject: Re: Cal Letter and Press Release

Could somebody please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version?

Sent from my iPad

On Sep 24, 2019, at 8:25 PM, Bodine, Susan bodine.susan@epa.gov> wrote:

Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ex. 5 Deliberative Process (DP)

I need a copy of the signed letter before I talk to press.

----Original Message----

From: Benevento, Douglas < benevento.douglas@epa.gov >

Sent: Tuesday, September 24, 2019 7:24 PM

To: Forsgren, Lee < Forsgren. Lee@epa.gov >

Cc: Ross, David P < ross.davidp@epa.gov >; Bodine, Susan

< bodine.susan@epa.gov >; Mejias, Melissa

<mejias.melissa@epa.gov>

Subject: Re: Cal Letter and Press Release

Ryan has a final going out at noon tomorrow. I've told him we may substitute out the one in he has. Dave if you can get it to him before noon that will work.

Sent from my iPhone

On Sep 24, 2019, at 4:17 PM, Forsgren, Lee Forsgren.Lee@epa.gov wrote:

Doug

I am in Chicago enroute to Seattle. So I have no ability to change the letter and get it to a Ryan. Melissa has the ability to make those changes but will leave whether we can do it to Dave.

Lee

Sent from my iPhone

On Sep 24, 2019, at 5:46 PM, Benevento, Douglas benevento.douglas@epa.gov> wrote:

Lee if we change the letter you're going to have to revise it and get a new signed copy to Ryan, I'm in Seattle and he's holding the final version for delivery. The letter should go to Beth White. The letter is going out very early Thursday morning. Make sure the old copy is destroyed.

----Original Message-----From: Ross, David P <ross.davidp@epa.gov> Sent: Tuesday, September 24, 2019 2:22 PM To: Benevento, Douglas <benevento.douglas@epa.gov>; Bodine, Susan < bodine.susan@epa.gov>; Forsgren, Lee < Forsgren. Lee@epa.gov> Cc: Mejias, Melissa <mejias.melissa@epa.gov> Subject: Cal Letter and Press Release Deliberative; Pre-Decisional On the latest version of the Cal water letter, I agree with Susan's redlines. A few other nits: Ex. 5 Deliberative Process (DP)

I'm turning my attention to the TPs now.

Sent from my iPad

<Water TPs spb edits.docx>

< California Water Letter - Final - September, 2019.docx >

From:

Sent:

To: Subject: 9/25/2019 2:18:42 PM

Re: Cal Letter and Press Release

Schiermeyer, Corry [schiermeyer.corry@epa.gov]

<u>Hi Corry. Can you</u> call my cell this morning when you have a chance. I have one question for you. Ex. 6 Personal Privacy (PP) Sent from my iPhone > On Sep 25, 2019, at 10:09 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote: > Thank you. > Mel...please let me know when you get it to Beth...I will follow up with her to ensure we get a final, signed and dated copy. > Thank you! > ----Original Message----> From: Ross, David P <ross.davidp@epa.gov> > Sent: Wednesday, September 25, 2019 10:04 AM > To: Benevento, Douglas <benevento.douglas@epa.gov> > Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov> > Subject: Re: Cal Letter and Press Release > FYI. I have worked with Susan to give this a comprehensive review and clean up edit. Mel, Lee and I just reviewed those edits, and Mel will be putting this into a final version to pass on to the AO shortly. > Thanks all. > Sent from my iPad >> On Sep 24, 2019, at 10:54 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote: >> Dave, this is the letter you were cc'd on, it should look familiar. If you're going to make changes this is the one you should work off of. >> Get it to Beth White who can put it on letterhead and get it turned around by noon. >> >> Corry, if I understood you correctly the Washington Post is now the outlet we're working with and they will receive the letter at noon tomorrow and embargo it until Thursday morning. >> ----Original Message---->> From: Ross, David P <ross.davidp@epa.gov> >> Sent: Tuesday, September 24, 2019 10:24 PM >> To: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov> >> Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov> >> Subject: Re: Cal Letter and Press Release >> Could somebody_please get me what they think is the final version of the letter first thing in the morning and I will fix it. Who has the final electronic version? >> Sent from my iPad >>> On Sep 24, 2019, at 8:25 PM, Bodine, Susan <bodine.susan@epa.gov> wrote: >>> Attached are my edits to the TPs. It does not matter if I am the only person speaking to press but I want the information distributed internally to be consistent and accurate.

Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]

ERF v. EPA 20CV06893 ED_003023_00053948-00001

Ex. 5 Deliberative Process (DP)

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<mejias.melissa@epa.gov>
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>>>> Deliberative; Pre-Decisional
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>>> <Water TPs spb edits.docx>
>> <California Water Letter - Final - September, 2019.docx>
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Mejias, Melissa [mejias.melissa@epa.gov]

Schiermeyer, Corry [schiermeyer.corry@epa.gov]

9/25/2019 2:35:14 PM

From:

Sent:

To:

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RE: Cal Letter and Press Release
Subject:
Beth should have it in her inbox now.
----Original Message----
From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Wednesday, September 25, 2019 10:09 AM
To: Ross, David P <ross.davidp@epa.gov>; Benevento, Douglas <br/>benevento.douglas@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee
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ERF v. EPA 20CV06893 ED_003023_00056680-00002